Washington, Saturday, February 26, 1955

TITLE 7-AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

MISCELLANEOUS AMENDMENTS

A notice of a proposed amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70) was published in the Federal Register on December 10, 1954 (19 F R. 8218) The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing, Act of 1946 (60 Stat. 1087. 7 U. S. C. 1621 et seq.)

The amendment makes changes in the standards of quality for ready-to-cook poultry applicable primarily to B and C qualities. In addition, minor changes are made in the official identification, new provisions are added in the sanitary and operating requirements with respect to chilling and freezing of products, drainage of poultry prior to packaging, and the lining of containers. The amendment is essentially the same as was published in the aforesaid notice with the exception that action is being reserved on proposed terms and descriptions for chicken parts which were set forth in § 70.2 of the proposed amendment. This matter needs further consideration prior to issuance.

It is hereby found that it would be impractical, unnecessary and contrary to the public interest to delay the effective date of this amendment until thirty (30) days after publication in the Federal Register for the reasons that (1) changes in the standards represent a needed improvement, (2) some of the administrative changes are similar to the shell egg grading regulations which become effective March 1, 1955 and it would facilitate administration of the programs to have changes effective at the same time, and (3) no additional

time is required by interested persons to prepare for compliance with this amendment.

After consideration of all relevant material presented, the amendment hereinafter set forth is promulgated to become effective March 1, 1955.

The amendment is as follows:

1. Change the definition of "act" set forth in § 70.1 Definitions to read as follows:

"Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087 '7 U. S. C. 1621 et seq.) or any other act of Congress conferring like authority.

2. Change the definition of "Circuit Supervisor" set forth in § 70.1 to read as follows:

"Circuit supervisor" means the officer in charge of the poultry inspection service or the poultry grading service in a circuit consisting of a group of stations within an area.

3. Change the second sentence of the definition "Free from protruding pinfeathers," to read as follows: "However, a carcass may be considered as being free from protruding pinfeathers if it has a generally clean appearance (especially on the breast) and if not more than an occasional protruding pinfeather is in evidence during a more careful examination of the carcass."

4. Change the definition of "Grading" or "Grading Service" to read as follows:

"Grading" or "grading service" means: (1) The act whereby a grader determines, according to the regulations in this part, the class, quality, quantity or condition of any product by examining each unit thereof or each unit of the representative sample thereof drawn by a grader and issues a grading certificate with respect thereto, except that with respect to grading service performed on a contract basis the issuance of a grading certificate shall be pursuant to a request therefor by the applicant or the Service; (2) the act whereby the grader identifies, according to the regulations in this part, the graded product; (3) with respect to any official plant, the act whereby a grader determines that the product in such plant was processed,

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handled, and packaged in accordance with §§ 70.240 to 70.288; and (4) any regrading or any appeal grading of a previously graded product.

5. Change the definition of "National Supervisor" set forth in § 70.1, to read as follows:

"National supervisor" means (1) the officer in charge of the poultry inspection service of the Agricultural Marketing Service, (2) the officer in charge of the poultry grading service of the Agricultural Marketing Service, and (3) such other officers or employees of the Department who may be so designated by the officer in charge of the poultry inspection service or poultry grading service of the Agricultural Marketing Service.

6. Change the definition of "Potable water" to read as follows:

"Potable water" means water that has been approved by the State health authority as safe for drinking.

6a. Delete the definition of "Regional Supervisor" in § 70.1, and insert, in lieu thereof, the following definition:

"Area supervisor" means any employee of the Department in charge of poultry grading service or poultry inspection service in a designated geographical

- 7. Delete the term "Regional Supervisor" in §§ 70.44, 70.171, 70.172, 70.173, and wherever else it appears in the regulations in this part and substitute, in lieu thereof, the term "Area Supervisor."
- 8. Delete §§ 70.2 and 70.3 and insert, in lieu thereof, the following sections:
- § 70.3 Administration. The Administrator shall perform for and under the supervision of the Secretary such duties as are prescribed in the regulations in this part and as the Secretary may require in the administration of the regulations in this part. The Administrator is authorized to waive for limited periods any particular provisions of the regulations to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements and at the same time to determine full compliance with the spirit and intent of the regulations.

§ 70.4 Grading and inspection services available. The regulations in this part provide for the following kinds of service; and any one or more of the different services; applicable to official "The Service shall not be liable in damplants, may be rendered in an official plant:

- (a) Grading of live poultry.(b) Certification of dressed poultry produced under sanitary requirements in official plants.
 - (c) Grading of dressed poultry:

(1) In an official plant.

- (2) At terminal markets and other receiving points.
- (d) Inspection of dressed poultry in official plants for processing as ready-tocook poultry.
 - (e) Grading of ready-to-cook poultry

(1) In an official plant.

- (2) At terminal markets and other receiving points.
- (f) Inspection service in official canning plants.
- 9. Change § 70.12 Continuous grading service to read as follows:

§ 70.12 Continuous grading service. Except as otherwise approved by the area supervisor continuous grading service in an official plant, other than the service provided in § 70.4 (b) may be rendered only when a majority of the grader's time each month is utilized in performing grading for quality on the basis of the U.S. standards set forth in Subpart B of the regulations in this part.

10. Change § 70.13 Supervision to read as follows:

§ 70.13 Supervision. All grading service and all inspection service shall be subject to supervision at all times by the applicable station supervisor, State supervisor, circuit supervisor, area supervisor, and national supervisor. Such service shall be rendered where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders and inspectors are available. Whenever the supervisor of a grader has evidence that such grader incorrectly graded a product, such supervisor shall take such action as is necessary to correct the grading and to cause any improper grade marks which appear on the product or containers thereof to be corrected prior to shipment of the product from the place of initial grading.

11. Change § 70.30 Licensed graders and inspectors to read as follows:

§ 70.30 Licensed graders and inspectors. (a) Any person possessing proper qualifications as determined by an examination for competency and who is to perform grading service may be licensed by the Secretary as a grader.

(b) Any person who is a Federal or State employee possessing proper qualifications as determined by an examination for competency, and who is to perform inspection service may be licensed by the Secretary as an inspector.

(c) All licenses issued by the Secretary shall be countersigned by the officer in charge of the poultry grading service or the poultry inspection service of the Agricultural Marketing Service or any other designated officer of such

12. Add a new sentence to § 70.47 Order of service, which reads as follows:

ages accruing through acts of commission or omission in the administration of this part."

13. Change paragraph (b) of § 70.91 Product that may be individually grade marked, information required on grade mark to read as follows:

- (b) Except as otherwise authorized, each grade mark which is to be used shall conspicuously indicate the letters "USDA," the U.S. Grade of the product it identifies, and, if not shown prominently elsewhere on the label, the proper class of the poultry or the term "mature" or "old" if the poultry is other than young. In addition, one of the following terms shall be included. "Graded under Federal-State supervision" or "Graded under U.S. and (State) supervision," or an appropriate term of similar import. Such grade mark shall be contained within the outline of a shield of such design as may be approved by the Administrator.
- 14. Add a new paragraph (c) to § 70.91 which reads as follows:
- (c) Any present supply of labels approved pursuant to the applicable provisions of this part prior to the effective time of this amendment may continue to be used until such present supply is exhausted.
- 15. Add a new sentence to paragraph (a) of § 70.93 Marking inspected product, which reads as follows: "Notwithstanding the foregoing, the name and aadress of the packer or distributor, if appropriately shown elsewhere on the labeling material, may be omitted from insert labels and giblet wrappers which bear an official identification, provided, the applicable plant number is shown.
- 16. Change paragraph (b) of § 70.93 Marking inspected products to read as follows:
- (b) Wording on labels. Each trade label approved for use pursuant to §§ 70.90 to 70.94 with respect to any graded or inspected and certified edible product shall bear the following information:
- (1) The common or usual name of the edible product:
- (2) The name and address of the packer or distributor, and when the name of the distributor is shown, it shall be qualified by such term as "packe for," "distributed by" or "distributors" "packed
 - (3) A statement of the net contents;
- (4) The inspection mark, or grade mark, or the combined inspection and grade mark:
- (5) The plant number, if any of the official plant in which the product was inspected and certified or graded, and
- (6) A statement of ingredients, if the edible product is made up of two or more ingredients; such ingredients shall be listed by their common or usual names in the order of descending proportion.
- 17. Change the first sentence of § 70.133 Poultry grading fees to read as follows: "For each grading of any lot of poultry whether live, dressed, or readyto-cook, the following fees shall be applicable except in instances where more than one lot of product is involved in a

single grading for contract acceptance of products to be delivered to an individual receiver the charge for examining each lot in excess of one may be based on the time required at the rate specified in § 70.131 (b) "

- 18. Change § 70.136 Travel expenses and other charges to read as follows:
- § 70.136 Travel expenses and other charges. Charges may be made to cover the cost of travel and other expenses incurred by the Service in connection with the performance of any grading service. Such charges shall include the costs of travel, per diem, and other expenses, plus a charge of 10 percent of the amount charged for said travel, per diem, and other expenses to cover administrative costs of the Department. When travel and other expenses are charged in connection with any grading, the minimum charge which shall be made shall be \$0.50.
- 19. Change paragraph (a) of § 70.157 Edible products for canning to read as follows:
- (a) Immediate containers (whether of metal, glass, or other material) shall be cleaned thoroughly by washing in an inverted position with running water of a temperature of at least 180° F., or by other means acceptable to the Administrator, immediately prior to filling with edible products; and precautions shall be taken to avoid any subsequent soilage of the inner surfaces of such containers.
- 20. Change paragraph (e) of § 70.157 Edible products for canning to read as follows:
- (e) Edible products may, when authorized by the national supervisor, and under such conditions as he may prescribe and approve, be canned without steam-pressure cooking, and such products, if frozen, shall be labeled "keep frozen," and if they are not frozen, they shall be labeled "perishable, keep under refrigeration"
- 21. Add a new sentence to paragraph (a) (2) of § 70.182 Dressed and ready-to-cook poultry, which reads as follows: "The grading of ready-to-cook poultry with respect to the factors of fleshing and fat covering and the determination of the class of the poultry shall be performed prior to the disjointing or cutting up of the carcass. Grading with respect to the other factors of quality may be performed after the carcass has been disjointed or cut up."
- 22. Change paragraph (a) of § 70.201 Issuance and distribution to read as follows:
- (a) Each grader shall issue a grading certificate covering each product graded except that with respect to products graded on a contract basis certificates may be issued pursuant to a request therefor by the applicant or the Service,
- 23. Change paragraph (c) of § 70.255 Lavatory accommodations to read as follows:
- (c) An adequate number of hand washing facilities serving areas where dressed poultry and edible products are prepared shall be operated by other than

- hand-operated controls, or shall be of a continuous flow type which provides an adequate flow of water for washing hands.
- 23a. Delete the numbers "10" and "4" in paragraph (a) of § 70.256 Lighting and ventilation and insert, in lieu thereof, the numbers "30" and "5" respectively
- 24. Change paragraph (g) of § 70.282 Cleaning of equipment and utensils to read as follows:
- (g) Chilling vats or tanks shall be emptied and rinsed after each use. They shall be thoroughly cleaned once daily.
- 25. Change paragraph (h) of § 70.282 to read as follows:
- (h) When frozen poultry is to be defrosted in water, adequate facilities (tanks, vats, or racks) shall be provided, including continuous running tap water of sufficient volume to thaw such poultry Such poultry shall not be thawed in still water and the thawing tanks shall be emptied and rinsed after each use. The tanks shall be thoroughly cleaned once daily. If water is heated, it shall not be heated above 70° F Thawing tanks shall be equipped with properly installed over-flow pipes to discharge over a floor drain or a valley drain. Where mechanical devices are not used for removing thawed carcasses from thawing tanks, the tanks shall be of a size as will enable employees to remove poultry without getting inside the tanks.
- 26. Change paragraph (i) of § 70.283 Operations and procedures to read as follows:
- (i) Plant operations shall be conducted in such a manner as will result in sanitary processing, proper inspection, and wholesome properly prepared ready-to-cook poultry
- 27. Add a new sentence to paragraph (1) of § 70.283 which reads as follows: "Wooden containers to be used for packaging poultry shall be fully lined except when the individual birds to be packaged therein are fully wrapped."
- 28. Add a new sentence to paragraph (n) of § 70.283 Operations and procedures which reads as follows: "Dressed and ready-to-cook poultry other than that which is to be ice packed, shall be adequately drained to remove ice and free water prior to packing and packaging."
- 29. Change § 70.284 Temperatures and cooling and freezing procedures to read as follows:
- § 70.284 Temperatures and cooling and freezing procedures. Temperatures and procedures which are necessary for cooling and freezing dressed and ready-to-cook poultry, including all edible portions thereof, shall be in accordance with sound operating practices which insure the prompt removal of the animal heat and as will maximize the preservation of the quality and condition of the poultry
- (a) General cooling requirements. All dressed poultry and ready-to-cook poultry that is prepared in the official plant shall be cooled immediately after

- processing. If such poultry is to be shipped from the plant in packaged form, the poultry shall be cooled to and maintained at a temperature of 40° F or less prior to shipment from the plant. except that if it is to be held in excess of 24 hours it shall be held at 36° F., and except that with respect to poultry which is to be frozen immediately the Administrator may approve upon written request, the shipment of packaged dressed and ready-to-cook poultry from the plant prior to cooling to 40° F or less if such poultry is handled in accordance with subparagraphs (1) and (2) of this paragraph.
- (1) Poultry within two hours from the time of slaughter, shall be placed in a plate freezer or a freezer with a functioning circulating air system where a temperature of -20° F or lower is maintained. The poultry shall be stacked in a manner which will permit adequate circulation of air around the individual containers, and such poultry shall remain therein until completely frozen.
- (2) The plant and freezer shall be so located and the necessary arrangements made so that the inspector or grader will have access to the freezing room and adequate opportunity to determine compliance with the time and temperature requirements specified in subparagraph (1) of this paragraph.
- (b) Ice and water chilling. (1) Only ice manufactured or produced from potable water may be used for ice-water chilling. The ice shall be handled and stored in a sanitary manner. If of block type, the ice shall be washed by spraying all surfaces with clean water before crushing. Metal ice crushers shall be cleaned at least once daily
- (2) Enough clean crushed ice shall be used in vats or tanks to assure the chilling of poultry within the time specified in subparagraph (3) of this paragraph.
- (3) Poultry carcasses weighing less than 4 pounds shall be chilled to 40° F or below in less than 4 hours; carcasses weighing 4 to 8 pounds shall be chilled to 40° F or below in less than 6 hours; and carcasses weighing more than 8 pounds shall be chilled to 40° F or below in less than 8 hours.
- (4) In order to facilitate continuous processing operations, dressed and ready-to-cook poultry may be held overnight in chilling tanks containing ice and water of a temperature of 40° F or less, but in no case may poultry whether in dressed or ready-to-cook form, be held in direct contact with water and ice for longer than 24 hours from the time of completion of dressing or evisceration. If dressed or ready-to-cook poultry is to be held in chill tanks for longer periods than specified herein, it shall be properly repacked with crushed ice in clean tanks. which are continually drained, and during this holding period, the internal temperature of the poultry shall be maintained at or below 40° F
- (c) Air chilling. In air chilling, dressed poultry shall be placed in a refrigerated room with moderate air movement and a temperature which will reduce the internal temperature of the carcasses to 40° F or less within 24 hours. In air chilling ready-to-cook poultry the internal temperature of the carcasses

shall be reduced to 40° F or less within 16 hours.

- (d) Other chilling procedures. Any other chilling procedure which will effect chilling in a manner equal to that obtained by the procedures herein set forth, may be permitted when approved by the Administrator.
- (e) Cooling giblets. Giblets shall be chilled to 40° F or lower within two hours from the time they are removed from the inedible viscera except that when they are chilled with the carcass by immediate entry into a freezer, the time and temperature requirements set forth in paragraph (a) (1) of this section shall apply. Any of the acceptable methods applicable to the chilling of the poultry carcass may be followed in cooling giblets except that unwrapped livers shall not be chilled in ice and water slush but may be chilled in direct contact with chipped ice or snow in containers which are continually drained. Giblet wrapping materials and procedures shall be such as will permit draining of the giblets prior to packaging of the ready-tocook carcass.
- (f) Freezing. (1) Poultry which has been chilled to 40° F or below prior to packaging and is to be frozen shall be placed into a freezer within 48 hours from time of packaging. However, if such poultry is held for longer than 24 hours from time of slaughter before it is placed in the freezer it shall be held at 36° F or lower.
- (2) The freezing operation for dressed poultry shall be accomplished in such a manner as to bring the internal temperature of the birds in the center of the package to 0° F or below within 96 hours from the time of entering the freezer whereas, ready-to-cook poultry shall be frozen in a manner so as to bring the internal temperature of the birds at the center of the package to 0° F or below within 72 hours from the time of entering the freezer.
- (3) Warm packaged poultry which is to be chilled by immediate entry into a freezer within the official plant shall be handled in compliance with the time and temperature requirements set forth in paragraph (a) (1) of this section.
- (4) Frozen poultry shall be held under conditions which will maintain the product in a solidly frozen state with temperature maintained as constant as possible. Freezer temperatures of -10° F are preferable for holding frozen poultry.
- (g) Ice-pack containers. When poultry is ice packed in barrels or other containers, the barrels and containers shall be covered and shall have an adequate number of drain holes to permit the water to drain out.
- 30. Delete § 70.286 Exclusion of diseased persons and add, in lieu thereof, the following sections:
- § 70.286 Use of compounds. Only such germicides, insecticides, rodenticides, detergents or wetting agents or other similar materials may be used as will not contaminate or deleteriously affect the edible product. The use of such compounds shall be in a manner satisfactory to the Administrator.

- § 70.287 Exclusion of diseased persons. No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked dressed poultry or edible products are prepared, processed, or otherwise handled.
- 31. Renumber § 70.287 Table showing types of materials as § 70.288.
- 32. Delete the first three words in the first sentence of paragraph (b) in § 70.251 and substitute, in lieu thereof, the following: "Rooms, compartments, or receptacles * * *
- 33. Delete paragraph (q) in § 70.270 Equipment and utensils.
- 34. Add a new paragraph (g) in § 70.350 General which reads as follows:
- (g) A carcass which has a defect may be graded after the defective portion has been removed, and the fact that a portion of the carcass has been removed will not be considered in determining the quality of the balance of the carcass, if the remaining portion of the carcass is to be disjointed and packed as parts in the official plant where graded.
- 35. Delete the number "\$ 70.357" wherever it appears in \$\$ 70.350 and 70.360 and insert, in lieu thereof, the number "\$ 70.358."
- 36. Delete the center heading, "Standards of Quality" immediately following § 70.350 and substitute, in lieu thereof, the following center heading: "Standards for Quality of Chickens, Ducks, Guineas, and Pigeons."
- 37. Delete §§ 70.355 through 70.357 and substitute, in lieu thereof, the following:
- § 70.353 A Quality. To be of A Quality the carcass:
- (a) Is of normal physical conformation except that it may have a slightly curved breastbone or other slight abnormality in the shape of the breastbone which does not interfere with the normal distribution of the flesh. The carcass may also have a very slightly curved back. There may be a dent in the breastbone which does not exceed ½ inch in depth.
- (b) Has a well-developed, moderately broad and long breast, well-fleshed throughout its entire length, with the flesh carrying sufficiently well up to the crest of the breastbone so that the breastbone is not prominent. The legs are well covered with flesh.
- (c) Has the breast, back, hips, and pin bones well covered with fat except that chicken broilers or fryers may have only a moderate amount of fat covering these parts, and a hen, stewing chicken, or fowl does not have excessive abdominal fat.
- (d) Is practically free from pinfeathers and vestigial feathers, especially on the breast, if the carcass is dressed poultry. If the carcass is ready-to-cook poultry, it is free from protruding pinfeathers, practically free from nonprotruding pinfeathers and vestigial feathers, especially on the breast.
- (e) Is free from skin tears and cuts on the breast and legs; however, else-

- where on the carcass there may be tears and cuts (exclusive of the cuts usually made to remove the neck and viscera in the production of eviscerated poultry) the aggregate length of which does not exceed 11/2 inches. There are no sewn tears or cuts. The carcass has no disjointed bones or broken bones except that it may have one disjointed bone in either a leg or wing but only if there is no evidence of a related bruise or blood clot; and, if the carcass is a chicken broiler or fryer, it may have one nonprotruding broken bone in a wing in addition to such disjointed bone but only if there is no evidence of a related bruise or blood clot. The wing tips may have been removed.
- (f) Is free from bruises and discolorations of the flesh on the breast and legs: however, elsewhere on the carcass there may be bruises and discolorations or the flesh showing not more than a slightly reddish color the aggregate area of which does not exceed the area of a circle 1/2 inch in diameter. The carcass is free from skin bruises on the breast and legs, showing not more than a slightly reddish color, the aggregate area of which exceeds the area of a circle 1/2 inch in diameter, and from slightly reddish skin bruises, elsewhere on the carcass, the aggregate area of which exceeds the area of a circle ¾ inch in diameter. Notwithstanding the foregoing, the total aggregate area, on the breast and legs, of all such flesh bruises, skin bruises, and all cther discolorations and blemishes of the skin, is not in excess of the area of a circle 1 inch in diameter and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 11/2 inches in diameter. The skin may show only slight reddening in the feather follicles on the neck, near the head, and on the wings because of improper bleeding.
- (g) Shows only slight freezer burn, or evidence thereof (i. e., a few pockmarks, or evidence thereof, none of which exceeds the area of a circle \(\frac{1}{8} \) inch in diameter)
- § 70.354 B Quality. To be of B Quality the carcass:
- (a) Is of at least practically normal physical conformation except that it may have a dented, curved, and slightly crooked hreastbone which does not seriously interfere with the normal distribution of fiesh. The carcass may also have a moderately crooked back or moderately misshapen legs or wings.
- (b) Is sufficiently well-fleshed on the breast and legs so as to prevent a thin appearance and a prominent breastbone.
- (c) Has a sufficient coverage of fat on the breast and legs to prevent a distinct appearance of the flesh through the skin.
- (d) Has not more than a slight scattering of pinfeathers and vestigial feathers over the entire carcass with only relatively few on the breast, if the carcass is dressed poultry. If the carcass is ready-to-cook poultry it is free from protruding pinfeathers, but may have not more than a few scattered non-protruding pinfeathers and vestigial feathers.
- (e) Is free from tears and cuts on the breast and legs, the aggregate length of which exceeds $1\frac{1}{2}$ inches; however, else-

where on the carcass there may be tears and cuts (exclusive of the cuts usually made to remove the neck and viscera in the production of eviscerated poultry) the aggregate length of which does not exceed 3 inches. There are no sewn tears or cuts. Three areas of skin, not exceeding an aggregate total of 34 inch in diameter, may have been removed from the breast and legs and a small area of back skin (not exceeding the width of the feather tract on the back and extending from the base of the tail no farther than the hip bones) may have been removed: Provided. That, the aggregate diameters of the removed skin shall be included within the total aggregate lengths of cuts and tears permitted on the breast and legs, and elsewhere on the carcass, respectively. The carcass may have not more than a total of two disjointed bones in either the legs or wings, or both, but only if there is no evidence of a related bruise or blood clot, and, in addition, one broken bone in a leg or wing but only if it is nonprotruding and does not show an excessive related bruise or blood clot. The wing tips may have been removed and if the carcass is ready-to-cook, the forearm (second joint) of the wing or wings, and the tail (pygostyle) may have been removed.

(f) Is free from bruises and discolorations of the flesh on the breast and legs, showing not more than a slightly darkened color which in the aggregate is in excess of the area of a circle 1/2 inch in diameter; however, elsewhere on the carcass there may be bruises and discolorations of the flesh the aggregate area of which does not exceed the area of a circle 11/2 inches in diameter. The carcass is free from skin bruises, on the breast and legs showing not more than. a moderately reddish color, the aggregate area of which exceeds the area of a circle 34 inch in diameter, and from moderately reddish skin bruises, elsewhere on the carcass, the aggregate areas of which exceeds the area of a circle 11/2 inches in diameter. Notwithstanding the foregoing, the total aggregate area on the breast and legs of all such flesh bruises, skin bruises, and all other discolorations and blemishes of the skin is not in excess of the area of a circle 11/2 inches in diameter: and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 3 inches in diameter. The skin may show not more than moderate reddening in the feather follicles on the neck, near the head, and on the wings and thighs because of improper bleeding.

(g) Shows no more than moderate freezer burn, or evidence thereof, on any part of the carcass but there shall be no dried areas in excess of the area of a circle 1/2 inch in diameter.

§ 70.355 C Quality. A carcass that does not meet the requirements of B Quality may be of C Quality and such carcass may

(a) Be of abnormal physical conformation (i. e., possess serious abnormal physical conditions, including, but not being limited to, a crooked breastbone) if it is fairly well fleshed.

(b) Be poorly fleshed.

parts of the carcass.

(d) Have numerous pinfeathers and vestigial feathers scattered over the entire carcass, if the carcass is dressed poultry if ready-to-cook poultry, the carcass is free from protruding pinfeathers but may have a few vestigial feathers and may have nonprotruding pinfeathers that do not seriously detract from the appearance of the carcass.

(e) Have torn skin, and areas of missing skin, disjointed bones, and broken bones but only if there is no evidence of a related severe bruise or blood clot. There are no sewn tears or Wing tips may have been removed, and if the carcass is ready-to-cook, the wings and tail may have been removed.

(f) Have numerous and large discolored areas or blemishes of the skin which may be accompanied by some reddening and darkening of the flesh beneath, if such discolored areas and blemishes do not render any part of the carcass unfit for food.

(g) Show more than moderate freezer burn or evidence thereof (including, but not being limited to, numerous pockmarks or large dried area) on any part of the carcass.

STANDARDS FOR QUALITY OF TURKEYS AND GEESE

§ 70.356 A Quality. To be of A Quality the carcass:

(a) Is of normal physical conformation except that it may have a slightly curved breastbone or other slight abnormality in the shape of the breastbone which does not interfere with the normal distribution of the flesh. The carcass may also have a very slightly curved There may be a dent in the breastbone which does not exceed 1/4 inch in depth.

(b) Has a well-developed, moderately broad and long breast, well-fleshed throughout its entire length, with the flesh carrying sufficiently well up to the crest of the breastbone so that the breastbone is not prominent; and, with respect to young tom turkeys, there may be a slight thickening and slight pouchiness of the skin on the forepart of the breast. The legs are well covered with flesh.

(c) Has the breast, back, hips, and pin bones well covered with fat except that young tom turkeys may have only a moderate amount of fat covering these parts, and a turkey fryer or roaster may be somewhat lacking in fat covering.

(d) Is practically free from pinfeathers and vestigial feathers, especially on the breast, if the carcass is dressed poultry. If the carcass is ready-to-cook poultry it is free from protruding pinfeathers, practically free from nonprotruding pinfeathers and vestigial feathers, especially on the breast.

(e) Is free from skin tears and cuts on the breast and legs; however, elsewhere on the carcass there may be tears and cuts (exclusive of the cuts usually made to remove the neck and viscera in the production of eviscerated poultry) the aggregate length of which does not exceed 3 inches. There are no sewn tears or cuts. The carcass has no disjointed bones or broken bones except that it may

(c) Be lacking in fat covering, over all have one disjointed bone in either a leg or wing but only if there is no evidence of a related bruise or blood clot. wing tips may have been removed.

(f) Is free from bruises and discolorations of the flesh on the breast and legs; however, elsewhere on the carcass there may be bruises and discolorations of the flesh showing not more than a slightly reddish color the aggregate area of which does not exceed the area of a circle 1 inch in diameter. The carcass is free from skin bruises showing not more than a slightly reddish color, on the breast and legs, the aggregate area of which exceeds the area of a circle 3/4 inch in diameter, and from slightly reddish skin bruises, elsewhere on the carcass, the aggregate area of which exceeds the area of a circle 1½ inches in diameter. Notwithstanding the foregoing, the total aggregate area, on the breast and legs, of all such flesh bruises, skin bruises, and all other discolorations and blemishes of the skin, is not in excess of the area of a circle 2 inches in diameter and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 3 inches in diameter. The skin may show only slight reddening in the feather follicles on the neck, near the head, and on the wings because of improper bleeding.

(g) Shows only slight freezer burn, or evidence thereof (i. e., a few pockmarks, or evidence thereof, none of which exceeds the area of a circle 1/4 inch in diameter)

§ 70.357 B Quality. To be of B Quality the carcass:

(a) Is of at least practically normal physical conformation except that it may have a dented, curved, and slightly crooked breastbone which does not seriously interfere with the normal distribution of flesh. The carcass may also have a moderately crooked back or moderately misshapen legs or wings.

(b) Is sufficiently well-fleshed on the breast and legs so as to prevent a thin appearance and a prominent breastbone; however, a young tom turkey may have a pouchy thick, and somewhat flabby skin on the forepart of the breast.

(c) Has a sufficient coverage of fat on the breast and legs to prevent a distinct appearance of the flesh through the skin.

(d) Has not more than a slight scattering of pinfeathers and vestigial feathers over the entire carcass with only relatively few on the breast, if the carcass is dressed poultry. If the carcass is ready-to-cook poultry, it is free from protruding pinfeathers, but may have not more than a few scattered nonprotruding pinfeathers and vestigial feathers.

(e) Is free from tears and cuts on the breast and legs, the aggregate length of which exceeds 3 inches; however, elsewhere on the carcass there may be tears and cuts (exclusive of the cuts usually made to remove the neck and viscera in the production of eviscerated poultry) the aggregate length of which does not exceed 6 inches. There are no sewn tears or cuts. Three areas of skin not exceeding an aggregate total of 11/2 inches in diameter and with no single area in excess of 1 inch in diameter may

have been removed from the breast and legs and a small area of back skin (not exceeding the width of the feather tract on the back and extending from the base of the tail no farther than the hip bones) may have been removed: Provided, That, the aggregate diameters of the removed skin shall be included within the total aggregate lengths of cuts and tears permitted on the breast and legs, and elsewhere on the carcass, respectively. The carcass may have not more than a total of two disjointed bones in either the legs or wings, or both, but only if there is no evidence of a related bruise or blood clot, and, in addition, one broken bone in a leg or wing but only if it is nonprotruding and does not show an excessive related bruise or blood clot. The wing tips may have been removed, and if the carcass is ready-to-cook, the forearm (second joint) of the wing or wings and the tail (pygostyle) may have been removed.

(f) Is free from bruises and discolorations of the flesh on the breast and legs, showing not more than a slightly darkened color and which in the aggregate is in excess of the area of a circle 1 inch in diameter however, elsewhere on the carcass there may be bruises and discolorations of the flesh the aggregate area of which does not exceed the area of a circle 3 inches in diameter. The carcass is free from skin bruises showing not more than a moderately reddish color, on the breast and legs, the aggregate area of which exceeds the area of a circle 11/2 inches in diameter, and from moderately reddish skin bruises, elsewhere on the carcass, the aggregate area of which exceeds the area of a circle 3 inches in diameter. Notwithstanding the foregoing, the total aggregate area on the breast and legs of all such flesh bruises, skin bruises, and all other discolorations and blemishes of the skin is not in excess of the area of a circle 3 inches in diameter and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 6 inches in diameter. The skin may show not more than moderate reddening in the feather follicles on the neck, near the head, and on the wings and thighs because of improper bleeding.

(g) Shows no more than moderate freezer burn, or evidence thereof, on any part of the carcass and no dried area in excess of the area of a circle ½ inch in diameter.

§ 70.358 C Quality. A carcass that does not meet the requirements of B Quality may be of C Quality and such carcass may

(a) Be of abnormal physical conformation (i. e., possess serious abnormal physical conditions, including, but not being limited to, a crooked breastbone) if it is fairly well fleshed.

(b) Be poorly fleshed and a young tom turkey may have a thick, coarse skin and extended breast that is pouchy or flabby.

(c) Be lacking in fat covering over all parts of the carcass.

(d) Have numerous pinfeathers and vestigial feathers scattered over the entire carcass, if the carcass is dressed poultry if ready-to-cook poultry, the carcass is free from protruding pin-

feathers but may have a few vestignal feathers and may have nonprotruding punfeathers that do not seriously detract from the appearance of the carcass.

(e) Have torn skin, and areas of missing skin, disjointed bones, and broken bones but only if there is no evidence of a related severe bruise or blood clot. There are no sewn tears or cuts. Wing tips may have been removed, and if the carcass is ready-to-cook, the wings and the tail may have been removed.

(f) Have numerous and large discolored areas or blemishes of the skin which may be accompanied by some reddening and darkening of the flesh beneath, if such discolored areas and blemishes do not render any part of the carcass unfit for food.

(g) Show more than moderate freezer burn or evidence thereof (including, but not being limited to, numerous pockmarks or large dried areas) on any part of the carcass.

38. Change § 70.381 Form of grade mark to read as follows:

§ 70.381 Form of grade mark. The grade mark approved for use pursuant to § 70.91, on a graded product shall be contained within a shield of the form and design indicated in the example in Figure 1. The information (including the form and arrangement of its wording) which is required in such mark shall. be: (a) The letters "USDA," (b) the U.S. grade of the product, and (c) if such information is not shown prominently elsewhere on the packaging material, the class of the product or the term "mature" or "old," if the product is other than from young poultry In addition, one of the following phrases shall be included: "Graded under Federal-State supervision," "Graded under U.S. and (State) supervision;" or a term of similar import. The plant number of the official plant shall be set forth if it does not appear on the packaging material, and such other material as the Administrator may approve may also be included within such shield. However, the grade mark for ready-to-cook poultry may be used only when the product is identified as having been inspected by Federal inspectors or by inspectors of any other inspection system acceptable to the Administrator.

EXAMPLE OF GRADE MARK FOR READY-TO-COOK POULTRY



FIGURE 1.

39. Change § 70.383 Combined form of grade mark and inspection mark to read as follows:

§ 70.383 Combined form of grade mark and inspection mark. With respect to any product which was inspected and graded, a combined form of grade mark and inspection mark is anproved for use pursuant to §§ 70.91 to 70.92. Such combination form shall contain applicable wording and be of the form and design indicated in Figure 3. except that when the information pertaining to the class of the product appears prominently on the packaging material the combination form of the grade mark and inspection mark indicated in Figure 4 may be used in lieu of that indicated in Figure 3. Such other material as the Administrator may approve may be included as a part of the combined form of grade mark and inspection mark. Separate forms of the grade mark and the inspection mark may be used in lieu of the combined form of grade mark and inspection mark.

EXAMPLES



FIGURE 3.



FIGURE 4.

40. Change § 70.384 Identification of certain dressed poultry to read as follows:

§ 70.384 Identification of dressed poultry processed under sanitary standards only. With respect to dressed poultry which has been graded or inspected for condition only the form of identification approved for use shall contain the wording "Dressed Poultry-Processed Under USDA Sanitary Standards-Not USDA Graded for Quality or USDA Inspected for Wholesomeness." All labels with such identification shall set forth the applicable plant number and shall be marked with a lot number which shall be the number of the day of the year the poultry was slaughtered, or a coded number the meaning of which shall be made known to the Service. This identification shall be printed on the label and shall not be applied by means of a stencil or rubber stamp. A rubber stamp may be used to insert the plant number and lot number within the official mark, provided such numbers are applied legibly. This identification may be used only on bulk packages of dressed poultry. It shall not be applied to individual carcasses of dressed poultry or to any poultry that has been eviscerated or drawn. The required wording shall be set forth in the manner indicated in Figure 5 of this section and within a rectangle of the form and design illustrated.

EXAMPLE

DRESSED POULTRY

PROCESSED UNDER U. S. D. A. SANITARY STANDARDS

Not USDA Graded for Quality or USDA Inspected for Wholesomeness

Plant No. 000. Lot 000

FIGURE 5.

- 41. Add the following to subparagraph (c) (ii) of § 70.410 Application for grading service with respect to live, dressed, and ready-to-cook poultry: "Provided they are installed at the same time."
- 42. Add the following new subparagraph (c) (xi) in § 70.410:
- (xi) A charge equal to 7 percent of the salary paid by AMS to each grader exclusive of one regular grader whose salary is paid by AMS.
- 43. Add the following as a new sub-paragraph (i) in § 70.410:
- (i) Special provisions and limitations: (Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Issued at Washington, D. C., this 23d day of February 1955.

[SEAL] ROY W LENNARTSON,
Deputy Administrator
Agricultural Marketing Service.

[F R. Doc. 55-1720; Filed, Feb. 25, 1955; 8:53 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 8]

PART 728-WHEAT

SUBPART—WHEAT MARKETING QUOTAS FOR 1954 Crop

REPORT OF VIOLATIONS AND COURT PROCEED-INGS TO COLLECT BENALTY' RECORDS AND REPORTS. ENFORCEMENT

Basis and purpose. Section 376, Title III. of the Agricultural Adjustment Act of 1938, as amended, provides that the several district courts of the United States are vested with jurisdiction specifically to enforce the provisions of such title; and further, that if and when the Secretary shall so request, it shall be the duty of the several district attorneys in their respective districts, under the direction of the Attorney General, to institute proceedings to collect the penalties provided under such title. Sections 728.485 and 728.492 of the Marketing quota Regulations for the 1954 Crop of Wheat (19 F R. 202) provide that, with respect to cases of failure or refusal to pay or remit penalties or of failure or refusal to make any report or keep any record, it shall be the duty of the State committee to report each such case in writing to the Director of the Grain Division with a view to the institution of proceedings to collect the penalties due or to enforce the provisions of the act.

The purpose of the amendments contained herein is to provide that it shall be the duty of the State Administrative Officer, the employee of the State Committee who carries out its policies and the day-to-day operations of the ASC State Office, to report such cases to the Office of the Solicitor of the United States Department of Agriculture, in accordance with instructions issued by the Deputy Administrator for Production Adjustment, with a view to the institution of proceedings to collect the penalties due or to enforce the provisions of the act.

1. Section 728.485 of the Marketing Quota Regulations Pertaining to the 1954 Crop of Wheat (19 F R. 202) is hereby changed to read as follows:

§ 728.485 Report of violations and court proceedings to collect penalty. It shall be the duty of the county office manager to report in writing to the State Administrative Officer each case of failure or refusal to pay the penalty or to remit the same as provided in § 728.477 through § 728.479. It shall be the duty of the State Administrative Officer to report each such case in writing to the Office of the Solicitor of the United States Department of Agriculture, in accordance with instructions issued by the Deputy Administrator for Production Adjustment, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties, as provided in section 376 of

2. Section 728.492 of the Marketing Quota Regulations Pertaining to the 1954 Crop of Wheat (19 F R. 202) is hereby changed to read as follows:

§ 728.492 Enforcement. It shall be the duty of the county office manager to report in writing to the State Administrative Officer forthwith each case of failure or refusal to make any report or keep any record as required by §§ 728.486 through 728.490 and to so report each case of making any false report or record. It shall be the duty of the State Administrative Officer to report each such case in writing, in quintuplicate, to the Office of the Solicitor of the United States Department of Agriculture, in accordance with instructions issued by the Deputy Administrator for Production Adjustment, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States. to enforce the provisions of the act.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply 52 Stat. 238, as amended; 7 U. S. C. 1376)

Done at Washington, D. C., this 23d day of February 1955.

[SEAL]

TRUE D. MORSE, Acting Secretary.

[F R. Doc. 55-1721; Filed, Feb. 25, 1955; 8:53 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 49]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALI-FORNIA

LIMITATION OF HANDLING

§ 914.349 Navel Orange Regulation 49—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914, 19 F R. 2941) regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling ofsuch pavel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the Federal Register (60 Stat. 237 5 U.S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is

based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on February 24, 1955, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held: the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges: it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) Order (1) The quantity of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P s. t., February 27, 1955, and ending at 12:01 a.m., P s. t., March 6, 1955, is hereby fixed as follows:

(i) District 1. 184,800 boxes;

(ii) District 2: 323,400 boxes;

(iii) District 3: Unlimited movement: (iv) District 4. Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "boxes," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C.

Dated: February 25, 1955.

[SEAL] S. R. SMITH, Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F R. Doc. 55-1783; Filed, Feb. 25, 1955; 11:30 a. m.]

[Lemon Reg. 578]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.685 Lemon Regulation 578—(a) Findings. (1) Pursuant to the market-No. 40-

ing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953: 19 F R. 7175) regulating the handling of lemons grown in the State of Califorma or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act. (2) It is hereby further found that it

is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237. 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient. and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as heremafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 23, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified: and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) Order (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P s. t., February 27, 1955, and ending at 12:01 a.m., P s. t., March 6, 1955, is hereby fixed as follows:

(i) District 1. 10 carloads; (ii) District 2: 240 carloads; (iii) District 3 Unlimited movement.

(2) As used in this section, "handled," "carloads," "District 1," "District 2," and

"District 3" shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended: 7 U.S. C.

Dated. February 24, 1955.

[SEAL] S. R. SMITH, Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F R. Doc. 55-1756; Filed, Feb. 25, 1955; 8:58 a. m.]

[959.311 Amdt. 2]

PART 959-IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEF-FERSON, KLAMATH, AND LAKE IN OREGON AND MODOC AND SISKIYOU IN CALIFORNIA

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959) regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure. and postpone the effective date of this amendment until 30 days after publication in the Federal Register (5 U.S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, and (3) this amendment relieves restrictions on the handling of Irish potatoes grown in the production area.

Order as amended. The provisions of § 959.311 (b) (4) and (5) (Federal Reg-ISTER, August 19, 1954 and October 8, 1954, 19 F R. 5251, 6495) are hereby amended to read as follows:

(4) The limitations set forth in subparagraph (1) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Grading or storing in the production

area, (ii) certified seed, (iii) export, (iv) canning, freezing, (v) dehydration, or manufacture or conversion into starch, flour, or alcohol, (vi) charity, (vii) livestock feed within the production area. and (viii) potato chipping: Provided, That during the period February 24, 1955, to May 31, 1955, both dates inclusive, no handler shall (a) ship potatoes for export which do not meet the requirements of the U.S. No. 1, or better grade, and which are less than 11/2 inches minimum diameter, (b) ship potatoes for dehydration, or manufacture or conversion into starch, flour, or alcohol which do not meet the requirements of 85 percent of the U.S. No. 1, or better grade, and which are less than 11/2 inches minimum diameter, and (c) ship potatoes for potato chipping which do not meet the requirements of the U.S. No. 2, or better grade, and which are less than 1% inches minimum diameter except that potatoes which by clipping second growth could be made to meet the quality requirements of the U.S.

No. 2 grade may be so shipped without

(5) Each handler making shipments of potatoes pursuant to subparagraph (4) of this paragraph shall (except for shipments for grading or storing in the production area and shipments for livestock feed within the production area) (i) file an application for a Certificate of Privilege pursuant to §§ 959.130 and 959.131 (ii) pay assessments pursuant to § 959.41 on shipments of certified seed, to export, to dehydration or manufacture or conversion into starch, flour, or alcohol, for charity or for potato chipping, (iii) have such shipments (except shipments of certified seed potatoes) inspected pursuant to § 959.60, and (iv) for each shipment made pursuant to subdivisions (iii) (iv) (v) (vi) and (viii) of subparagraph (4) of this paragraph, shall furnish a record of shipment applicable thereto to the committee: Provided, That each application to ship potatoes made pursuant to subdivisions (iii) (iv) (v) (vi) and (viii) of subparagraph (4) of this paragraph shall be accompanied by the applicant handler's certification and the buyer's certification that the potatoes to be shipped are to be used for the purpose stated in the application. Provided further That each handler agrees in his application to furnish a copy of the bill of lading on each such shipment and, in the case of shipments made pursuant to subdivisions (iv) (v) and (viii) of subparagraph (4) of this paragraph, to bill each such shipment directly to the applicable processor.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 21st day of February 1955, to become effective February 24, 1955.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Division, Agricultural Marketing Service.

[F R. Doc. 55-1700; Filed, Feb. 25, 1955; 8:50 a. m.]

[Docket No. AO-166-A19]

PART 965—HANDLING OF MILK IN CIN-CINNATI, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 965.0 Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto, and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) Additional findings. It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective not later than March 1, 1955. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the orderly marketing of available milk supplies. Accordingly, any further delay in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk produced for the Cincinnati, Ohio, marketing area. The regulatory provisions of this order amending the order, as amended, are such that little or no preparation prior to its effective date will be required of handlers regulated

thereunder. Under these circumstances the handlers will be afforded reasonable time for any such preparations as may be necessary. Therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order as amended, until at least 30 days after its publication in the FEDERAL REGISTER, and good cause exists, pursuant to section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1000) for making this order amending the order, as amended, effective March 1, 1955.

(c) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order, as amended, and as hereby further amended, which is marketed within the Cincinnati, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area, and
(3) The issuance of this order amend-

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (December 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that, on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete that portion of § 965.51 (c) which precedes subparagraph (2) thereof and substitute therefor the following:

(c) The price for Class III milk during each of the months of March through August, inclusive, shall be the higher of the prices per hundredweight computed pursuant to subparagraphs (1) and (2) of this paragraph, and the price for Class III milk during each of the months of September through February inclusive, shall be the higher of such computed prices plus 30 cents:

(1) The price as computed pursuant to § 965.50 (b) Provided, That the price per hundredweight for Class III milk during the month of March 1955 shall be the higher of the price computed pursuant to subparagraph (2) of this paragraph and a price computed as follows:

(i) Subtract 5.5 cents from the simple average, as computed by the market administrator, of the daily wholesale sell-

ing prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month for which payment is to be made, multiply by 1.2, and then multiply such result by 3.5.

- (ii) From the simple average, as computed by the market administrator, of the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 6 cents, and multiply the result by 7.7 and
- (iii) Deduct 25 cents from the sum of amounts computed under subdivisions (i) and (ii) of this subparagraph: Provided, That the price applicable to milk used to produce ice cream, ice cream mix, eggnog, whipped cream, whipped cream substitutes, and cottage cheese shall be the sum of amounts computed for the month under subdivisions (i) and (ii) of this subparagraph.
- 2. Delete § 965.51 (d) and substitute therefor the following:
- (d) The price for Class IV milk shall be the price of Class III milk less 17.5 cents: *Provided*, That for the month of March 1955 the price of Class IV milk shall be the same as the price computed pursuant to § 965.51 (c) for Class III milk other than that used to produce the items named in the proviso of subparagraph (1) (iii) of such paragraph.
- 3. Delete § 965.52 and substitute therefor the following:

§ 965.52 Butterfat differentials to handlers. If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent there shall be added to, or subtracted from, as the case may be, the price for such class, for each point (onetenth of one percent) that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows: For Class I and Class II milk, respectively, add 1 cent per point to the higher of the butterfat differentials computed below in this section for Class III milk. For Class III milk other than that used to produce ice cream, ice cream mix, eggnog, whipped cream, whipped cream substitutes, and cottage cheese and for Class IV milk, subtract \$5.50 from the average price per hundred pounds of 92-score butter as described in § 965.51 (c) (1) (i) multiply by 1.2, subtract therefrom the amount per hundredweight computed pursuant to § 965.51 (c) (1) (ii) and divide the result by 1000. For Class III milk used to produce the products named above in this section multiply by 1.2 the average price per hundred pounds of 92-score butter as described in § 965.50 (b) (1) subtract therefrom the amount per hundredweight computed pursuant to \$965.50 (b) (2) and divide the result by 1000. (Sec. 5, 49 Stat. 753, as amended; 7 U. S. C.

Issued at Washington, D. C., this 24th day of February 1955 to be effective on and after March 1, 1955.

[SEAL]

EARL L. BUTZ, Assistant Secretary.

[F R. Doc. 55-1739; Filed, Feb. 25, 1955; 8:54 a. m.]

PART 968—HANDLING OF MILK IN WICHITA, KANS.. MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 968.0 Findings and determinations. The findings and determinations heremafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except printings are such findings and determinations may be in conflict with the findings and determinations set forth herein.

- (a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended. regulating the handling of milk in the Wichita, Kansas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:
- (1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;
- (2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and
- (3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.
- (b) Additional findings. It is necessary, in the public interest, to make this order amending the order, as amended,

effective not later than March 1, 1955, so as to reflect current marketing conditions. Any delay beyond March 1, 1955. in the effective date of this order amending the order, as amended, will impair the orderly marketing of milk in the Wichita, Kansas, marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected, substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective March 1, 1955, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order 30 days after its publication in the Federal Register (sec. 4 (c) Administrative Procedure Act, Pub. Law 404, 79th Cong., 60 Stat. 237, 5 U.S. C. 1001 et seq.)

(c) Determinations. It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended of more than 50 percent of the volume of milk covered by the aforesaid order, as amended, and as hereby further amended, which is marketed within the Wichita, Kansas, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of the producers of milk which is produced for sale in the said marketing area, and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the representative period (December 1954) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Wichita, Kansas, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

In § 968.51 (b) immediately after the word "March" insert the following parenthetical phrase "(except March 1955)" (Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of February 1955, to be effective on and after the 1st day of March 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary of Agriculture.

[F R. Doc. 55-1744; Filed, Feb. 25, 1955; 8:55 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6124]

TEMPORARY RULES RELATING TO UNIN-CORPORATED BUSINESS ENTERPRISES ELECTING TO BE TAXED AS DOMESTIC CORPORATIONS

In order to prescribe temporary rules with respect to unincorporated business enterprises electing to be taxed as domestic corporations under section 1361 of the Internal Revenue Code of 1954, Treasury Decision 6118, approved December 30, 1954, is hereby amended by adding at the end thereof the following paragraph.

PAR. 23. Unincorporated business enterprises electing to be taxed as domestic corporations—(a) In general. Section 1361 permits certain unincorporated business enterprises to elect to be taxed as domestic corporations. If the qualifications stated in section 1361 (b) are met, and if a proper election is filed in accordance with the provisions of this paragraph, then an unincorporated business enterprise with respect to which such an election is filed shall be treated for income tax purposes as a domestic corporation under the provisions of section 1361. The election may be made only with respect to taxable years of the partnership, or the proprietor, beginning after December 31, 1953, and ending after August 16, 1954.

(b) Manner of making election. (1) The election shall be made by filing a statement that the partners or the proprietor, as the case may be, elects under section 1361 (a) to have the enterprise treated as a corporation, and by filing the return or amended return required by subparagraph (3) within the time prescribed by that subparagraph. The election is void unless perfected by the filing of such return or amended return.

(2) The statement shall be filed during the first 60 days after the close of the first taxable year of the partnership or proprietor to which the election is applicable. The statement shall give sufficient information to establish that the enterprise meets the qualifications set forth in section 1361 (b) It shall also contain an agreement to notify the district director with whom the statement is filed if the interest of the electing proprietor or partners in the capital and profits of the enterprise becomes 80 percent or less, or if the enterprise becomes a corporation. The statement shall be signed by the proprietor or all of the partners owning an interest in the enterprise at any time during the period beginning with the first day of the first taxable year to which the election applies and ending on the day the election is filed. For example, a partner or proprietor having an interest at any time during the first taxable year with respect to which the election applies is required to sign the statement even though he holds no interest at the end of such year or at the time of the election. A partner or proprietor who acquires his inter-

est after the end of the first taxable year to which the election applies but prior to the date of the election is also required to consent to the election by signing the statement even though he holds no interest at any time during the first year to which the election is applicable.

(3) If a statement of election is timely filed, the election must be perfected by filing for such enterprise an income tax return on Form 1120 containing a statement that such return has been prepared in compliance with the regulations under section 1361. If the last day prescribed for filing the return for such enterprise (including any extension of time for such filing) falls before the last day of the third month following the month in which the regulations under section 1361 are published in the Federal Register, the election shall be perfected by filing an amended return containing a similar statement, rather than a return, on or before the last day of such third month.

(4) The required statement and the income tax return (and any amended return) shall be filed with the district director of internal revenue with whom the enterprise would be required to file its return if it were a domestic corporation. See section 6091 (b) (2)

(5) An election made in compliance with this paragraph shall be irrevocable as provided in section 1361 (e) and shall apply to the taxable year for which made and to all subsequent taxable years.

(c) Administrative provisions. The income tax return of the enterprise (and any amended return) shall be filed on Form 1120 and shall be signed by the proprietor or by any of the partners of the enterprise. Such return shall be clearly designated as a return of a section 1361 enterphise. There shall be attached to the return a schedule of the personal holding company income of the enterprise and the expenses attributable to such income. (See section 1361 (i).) In the case of a partnership, the schedule shall disclose the amount and nature of each partner's distributive share of the personal holding company income and the expenses attributable thereto.

(2) The time for filing Form 1120 by an unincorporated business enterprise subject to the election under section 1361 is extended six months or until September 15, 1955, whichever is earlier, provided a tentative return is filed on or before the due date prescribed by section 6072 (b) of the 1954 Code, and provided such enterprise pays, on or before the date prescribed for payment of the tax, the amount properly estimated as its tax or the first installment thereof required under section 6152. This extension shall not apply to the individual returns of the proprietor or partners of the enterprise. If, any such partner or proprietor should desire an extension of time for filing his individual income tax return, he should request permission therefor from the district director. In such a case the taxpayer should give full information as to the reasons for requesting such an extension.

(3) Each individual proprietor or partner of the enterprise shall file an amended individual income tax return, or a statement that no such return is necessary on or before the last day of the

third month following the month in which the regulations under section 1361 are published. The amended return or statement shall be filed with the district director for the district in which the original return was filed.

Because the election provided in section 1361 must be exercised within 60 days after the close of the taxable year of the enterprise, it is found impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interprets or applies secs. 1361, 6081, 68A Stat. 350, 751; 26 U. S. C. 1361, 6081)

[SEAL] T. COLEMAN ANDREWS, Commissioner of Internal Revenue.

Approved: February 24, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[F R. Doc. 55-1736; Filed, Feb. 24, 1955; 12:36 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt [1955 Dept. Circ. 530, 7th Rev., Amdt. 5]

PART 315-UNITED STATES SAVINGS BONDS

SAFEKEEPING OF BONDS

FEBRUARY 21, 1955.

Section 315.16 of Department Circular No. 530, Seventh Revision, dated May 21, 1952 (31 CFR, 1952 Supp., Part 315) as amended, is hereby amended effective March 31, 1955, to read as follows:

§ 315.16 Safekeeping of bonds. The existing provisions of this section with respect to the acceptance of savings bonds for safekeeping are hereby terminated effective at the close of business March 31, 1955, and thereafter the Federal Reserve Banks as fiscal agents of the United States and the Treasurer of the United States will not accept additional bonds for safekeeping, except from the Armed Forces of the United States for their members. Savings bonds held in safekeeping at that time by the Federal Reserve Banks and the Treasurer of the United States will continue to be so held until withdrawn.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is found to be unnecessary with respect to this amendment which comes within section 4 (2) of the Administrative Procedure Act, 60 Stat. 238; 5 U. S. C. 1003 (2)

(Sec. 22, 49 Stat. 41, as amended; 31 U. S. C. 757c)

[SEAL] W RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F R. Doc. 55-1713; Filed, Feb. 25, 1955; 8:52 a. m.]

[1955 Dept. Circ. 653, 3d Rev., Amdt. 3] PART 316-OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

DELIVERY OF BONDS; SAFEKEEPING

FEBRUARY 21, 1955.

Sections 316.12 and 316.16 of Department Circular No. 653, Third Revision, dated April 29, 1952 (31 CFR, 1952 Supp., Part 316) as amended, are hereby amended effective March 31, 1955, to read as follows: 1

§ 316.12 Delivery of bonds. Issuing agents are authorized to deliver Series E bonds by mail at the risk and expense of the United States, at the address given by the purchaser, but only within the United States, its territories and insular possessions and the Canal Zone.2 No mail deliveries elsewhere will be made. If purchased by citizens of the United States temporarily residing abroad, the bonds will be delivered at such address in the United States as the purchaser directs.

§ 316.16 Safekeeping. The existing provisions of this section with respect to the acceptance of Series E bonds for safekeeping are hereby terminated effective at the close of business March 31, 1955, and thereafter the Federal Reserve Banks as fiscal agents of the United States and the Treasurer of the United States will not accept additional bonds for safekeeping, except from the Armed Forces of the United States for their members. Series E bonds held in safekeeping at that time by the Federal Reserve Banks and the Treasurer of the United States will continue to be so held until withdrawn.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is found to be unnecessary with respect to this amendment which comes within section 4 (2) of the Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1003 (2)

(Sec. 22, 49 Stat. 41, as amended; 31 U.S. C. 757c)

W RANDOLPH BURGESS, Acting Secretary of the Treasury.

[F R. Doc. 55-1714; Filed, Feb. 25, 1955; 8:52 a, m.]

[1955 Dept. Circ. 654, 3d Rev., Amdt. 1]

PART 318-OFFERING OF UNITED STATES SAVINGS BONDS, SERIES F AND G

DELIVERY AND SAFEKEEPING OF BONDS

FEBRUARY 21, 1955.

Paragraph (b) of § 318.6 of Department Circular No. 654, Third Revision,

dated September 12, 1950 (31 CFR, 1952 Supp., Part 318) is hereby amended effective March 31, 1955, to read as follows: 8

\$ 318.6 Delivery and safekeeping of bonds * * *

(b) The existing provisions of this subsection with respect to the acceptance of savings bonds of Series F and Series G for safekeeping are hereby terminated effective at the close of business March 31, 1955, and thereafter the Federal Reserve Banks as fiscal agents of the United States and the Treasurer of the United States will not accept additional bonds for safekeeping, except from the Armed Forces of the United States for their members. Savings bonds of Series F and Series G held in safekeeping at that time by the Federal Reserve Banks and the Treasurer of the United States will continue to be so held until withdrawn.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is found to be unnecessary with respect to this amendment which comes within section 4 (2) of the Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1003 (2)

(Sec. 22, 49 Stat. 41, as amended; 31 U.S. C. 757c)

[SEAL] W RANDOLPH BURGESS. Acting Secretary of the Treasury.

[F R. Doc. 55-1715; Filed, Feb. 25, 1955; PART 333-OFFERING OF UNITED STATES 8:52 a. m.]

[1955 Dept. Circ. 905, Amdt. 2]

PART 332-OFFERING OF UNITED STATES SAVINGS BONDS, SERIES H

DELIVERY OF BONDS; SAFEKEEPING

FEBRUARY 21, 1955.

Sections 332.10 and 332.12 of Department Circular No. 905, dated May 21, 1952 (31 CFR, 1952 Supp., Part 332) are hereby amended effective March 31, 1955, to read as follows:

§ 332.10 Delivery of bonds. Authorized issuing agencies will deliver bonds of Series H either in person, or by mail at the risk and expense of the United States, at the address given by the purchaser, but only within the United States, its territories and insular possessions and the Canal Zone.2 No mail deliveries elsewhere will be made. If purchased by citizens of the United States temporarily residing abroad, the bonds will be delivered at such address in the United States as the purchaser directs.

§ 332.12 Safekeeping. The existing provisions of this section with respect to the acceptance of savings bonds of Series H for safekeeping are hereby terminated effective at the close of business March 31, 1955, and thereafter the Federal Reserve Banks as fiscal agents of the United States and the Treasurer of the United States will not accept additional bonds for safekeeping, except from the Armed Forces of the United States for their members. Savings bonds of Series H held in safekeeping at that time by the Federal Reserve Banks and the Treasurer of the United States will continue to be so held until withdrawn.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is found to be unnecessary with respect to this amendment which comes within section 4 (2) of the Administrative Procedure Act, 60 Stat. 238; 5 U.S.C. 1003 (2)

(Sec. 22, 49 Stat. 41, as amended; 31 U.S. C. 757c)

[SEAL] W RANDOLPH BURGESS, Acting Secretary of the Treasury.

[F R. Doc. 55-1716; Filed, Feb. 25, 1955; 8:52 a. m.]

[1955 Dept. Cir. 906, Amdt. 11

SAVINGS BONDS SERIES J AND K

DELIVERY OF BONDS: SAFEKEEPING

FEBRUARY 21, 1955.

Sections 333.11 and 333.13 of Department Circular No. 906, dated April 29, 1952 (31 CFR, 1952 Supp., Part 333) are hereby amended effective March 31. 1955, to read as follows:

§ 333.11 Delivery of bonds. Authorized issuing agencies will deliver bonds of Series J and Series K either in person, or by mail at the risk and expense of the United States, at the address given by the purchaser, but only within the United States, its territories and insular possessions and the Canal Zone.2 No mail deliveries elsewhere will be made. If purchased by citizens of the United States temporarily residing abroad, the bonds will be delivered at such address in the United States as the purchaser directs.

§ 333.13 Safekeeping. The existing provisions of this section with respect to the acceptance of savings bonds of Series J and Series K for safekeeping are hereby terminated effective at the close of business March 31, 1955, and thereafter the Federal Reserve Banks as fiscal agents of the United States and the Treasurer of the United States will not accept additional bonds for safekeeping. except from the Armed Forces of the United States for their members. Sav-

¹ The Department Circulars pertaining to savings bonds of Series F G, H, J, and K (Parts 318, 332, and 333 of this chapter, infra) and the Department Circular governing savings bonds of all series (Part 315 of this chapter, supra) have been similarly amended.

² During any war emergency the Treasury may suspend deliveries to be made at its risk and expense from or to the continental United States and its territories, insular possessions and the Canal Zone, or between any of such places.

³ The Department Circulars pertaining to savings bonds of Series E, H, J, and K (Part 316 of this chapter, supra, Parts 332 and 333 of this chapter, infra) and the Department Circular governing savings bonds of all series (Part 315 of this chapter, supra) have been similarly amended.

The Department Circulars pertaining to savings bonds of Series E, F G, J and K (Parts 316 and 318 of this chapter, supra, Part 333 of this chapter, infra) and the Department Circular governing savings bonds of all series (Part 315 of this chapter, supra) have been similarly amended.

⁵ The Department Circulars pertaining to savings bonds of Series E, F G and H (Parts 316, 318 and 332 of this chapter, supra) and the Department Circular governing savings bonds of all series (Part 315 of this chapter, supra) have been similarly amended.

ings bonds of Series J and Series K held in safekeeping at that time by the Federal Reserve Banks and the Treasurer of the United States will continue to be so held until withdrawn.

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is found to be unnecessary with respect to this amendment which comes within section 4 (2) of the Administrative Procedure Act, 60 Stat. 238; 5 U.S. C. 1003 (2)

(Sec. 22, 49 Stat. 41, as amended; 31 U.S. C. 757c)

[SEAL] W RANDOLPH BURGESS, Acting Secretary of the Treasury.

[F R. Doc. 55-1717; Filed, Feb. 25, 1955; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army
Subchapter E—Organized Reserves

PART 561-ARMY RESERVE

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ENLISTMENTS

Sections 561.30 through 561.36 are revoked and the following §§ 561.29 through 561.36 substituted therefor

561.29 Purpose and application.

561.30 Age requirements.

561.31 Citizenship.

561.32 Educational requirements for women.

561.33 Dependents.

561.34 Members of reserve components of other armed forces.

other armed forces.

561.36 Periods of enlistment.

AUTHORITY § 561.29 to 561.36 issued under sec. 251, 66 Stat. 495; 50 U. S. C. 1002. SOURCE: AR 140-111, January 10, 1955.

§ 561.29 Purpose and application. Under the Armed Forces Reserve Act of 1952 (66 Stat. 481) individuals are enlisted as Reserve enlisted members of the Army for service in the reserve components. The reserve components of the Army are the National Guard of the United States and the Army Reserve. Sections 561.29 to 561.36 prescribe the standards and procedures for enlistment of individuals as Reserve enlisted members of the Army for assignment to, and service in, the Army Reserve, and, unless otherwise specified, apply equally to male and female personnel.

§ 536.30 Age requirements—(a) Original enlistments. Except as shown in paragraph (c) of this section, each male applicant without prior service in any of the Armed Forces of the United States must have reached his 17th birthday and not have reached his 35th birthday and each female applicant without prior service in any of the Armed Forces of the United States must have reached her 18th birthday and not have reached her 35th birthday.

(1) In the case of a male applicant who claims to be 18 or more years of age or a female applicant who claims to be 21 or more years of age but whose per-

sonal appearance indicates that he or she may be under the required age, the recruiting officer will verify age by requiring the applicant to present a birth certificate, or a statement from the State Registrar of Vital Statistics or other similar State official. When the age of an applicant cannot be verified by a birth certificate, and the State Registrar of Vital Statistics or other similar State, municipal, or Government official states that there is "no record" of birth of the individual, action will be taken to obtain substantiating data regarding age in the following sequence.

(i) Baptismal record or certified copy thereof.

(ii) Sworn statement of one or both parents or legal guardian supported by

(a) Notarized copy of the school record from the first school attended, showing date of birth or age at attendance, or

(b) Certificate from the physician in attendance at birth.

(2) A male applicant who has reached his 17th but not his 18th birthday or a female applicant who has reached her 18th but not her 21st birthday, will be required to furnish written consent of his or her parents or guardian. If the applicant has neither parents nor guardian, a statement to that effect will be included under "Remarks" on DA Form 165. The written consent prepared on DD Form 373 (Consent, Declaration of Parent or Legal Guardien) will.

(i) Be signed by both parents, but the consent of one parent may be accepted if the other is absent for an extended period of time. If parents are divorced, the consent of the parent having custody of the applicant is sufficient. In such cases, however, the divorced parent must furnish proof of custody Enlistment is not authorized if either parent objects.

(ii) Be signed in duplicate, and fastened securely to the original and duplicate copies of the enlistment record.

(b) Applicants with prior service—(1) Through age 34. Applicants with prior service in any of the Armed Forces of the United States may be enlisted or re-enlisted through age 34, without regard to the amount of such prior service.

(2) Age 35 through 54. Enlistments are authorized for those individuals 35 years of age and over, but less than 55 years of age, who have had a minimum of 3 years' honorable active service in the Armed Forces (at least 3 months of which must have been in the Army or Army Air Corps) provided their age at enlistment is not greater than 35 years plus the length of their prior active Federal service in completed years of honorable service. Count only honorable active service since September 1. 1943, for women. A former member of the Air Force, Navy, Marine Corps, or Coast Guard without prior Army or Army Air Corps service who is 35 years of age or older, may not be enlisted as a Reserve enlisted member of the Army.

(3) Individuals discharged from Regular Army. Male applicants last discharged from the Regular Army with an honorable or general discharge and

female applicants last discharged with an honorable discharge may be enlisted as reservists of the Army within 180 days after date of such discharge or relief from active duty without regard to maximum age restrictions prescribed in subparagraphs (1) and (2) of this paragraph. *Provided*, That an applicant whose age is 60 years or more may be enlisted only for service in the Retired Reserve.

(c) Applicants with technical skills. Exception to the foregoing age limitations may be made for applicants, with or without prior service, possessing technical skills needed in the Army Reserve, who may be accepted for enlistment or reenlistment after reaching their 35th birthday and prior to reaching their 45th birthday when specifically authorized by the area commander. Men enlisted for service in an Army Reserve Band must meet the minimum requirements for members of a Regular Army band. An individual originally enlisted under provision of this paragraph will be reenlisted without special authorization, provided such reenlistment is accomplished within 90 days after discharge from a prior enlistment.

§ 561.31 Citizenship. Applicants must be citizens of the United States, its Territories or possessions, or have filed legal declaration of intention to become citizens of the United States, its Territories or possessions, except that other persons who have had prior service in the Armed Forces of the United States (or the National Security Training Corps) are eligible for enlistment. See sec. 217a, Armed Forces Reserve Act of 1952 (66 Stat. 486; 50 U. S. C. 941) Each applicant must furnish a permanent home address within the continental United States, its Territories or possessions.

§ 561.32 Educational requirements for women—(a) Nonprior service. Women without prior military service (including those whose only service has been in the WAAC) must possess a certificate of graduation from high school or must present substantiating data that they have successfully completed the high school level General Educational Development (GED) test. Recruiting personnel will not administer this test but will advise applicants to communicate with the appropriate State Department of Education for information concerning the GED test.

(b) Prior service—Women with prior military service must have completed a minimum of 2 years of high school or present substantiating data that they have successfully completed the high school level GED test.

§ 561.33 Dependents. (a) Applicants without prior service who have four or more dependents are not eligible for enlistment. Other male applicants having dependents are eligible for enlistment, if otherwise qualified, only if entitled to enlist in grade E-4 or higher, except that in exceptionally meritorious cases of personnel who have long periods of honorable service the area commander may grant waivers. These restrictions do not

apply to the Selective Service registrant with dependents who is classified 1A.

- (b) Women who have any legal or other responsibility for the custody control, care, maintenance, or support of any child or children, including stepchildren or foster children under 18 years of age, will not be enlisted.
- § 561.34 Members of reserve components of other Armed Forces. Applicants who are members of the reserve components of other Armed Forces may be enlisted as reservists of the Army provided:
- (a) Their applications are submitted through, and approved by, officials of their Armed Force authorized to accept resignations or otherwise effect separations; or
- (b) They submit a certificate, signed by an official of their Armed Force authorized to accept resignations or otherwise effect separation, that the applicants will be released from their current status if enlisted as reservists of the Army (Sec. 209, Armed Forces Reserve Act (66 Stat. 484; 50 U. S. C. 927))
- § 561.35 Ineligibility—(a) Warver required. The following individuals are ineligible for enlistment or reenlistment as reservists of the Army unless warver is granted. Notation of such warvers will be made under "Remarks" on the enlistment record and a copy of the report of investigation on which the area commander's warver is predicated will be attached to the original copy of the enlistment record.
- (1) Physically substandardservice applicants including those last separated for medical reasons. Applicants with prior service in any of the Armed Forces who fail to meet the prescribed physical standards, and those applicants last separated by reason of physical disability (even though they currently meet the prescribed physical standards) will not be accepted for enlistment unless a waiver is granted by the area commander. This includes personnel whose report of separation contains the following notation: "SR 615-360-40, for the convenience of the Government-Disability existing prior to active service and not aggravated by military service," or "Medical disqualification EPTS, SR 600-450-10."
- (2) Applicants having time lost—(i) Men. Prior service men whose total time lost under AW 107. MCM 1949. or MCM 1951, section 6 (a) App. 2b, in the Army, or under similar regulations for the other Armed Forces, was 60 days or more during last period active service. Area commanders may grant waivers for applicants who have lost in excess of 59 days but not more than 89 days during that period.
- (ii) Women. Women who have lost any time during last service in any of the Armed Forces, except that prior Army service women whose total time lost was 5 days or less may be granted waivers by area commanders.
- (3) Men with record of conviction by civil court. Consideration will not be given toward granting waivers in these cases until a thorough investigation is

- conducted in each case. For prior service men, only those offenses committed subsequent to date of separation from last honorable active service are considered disqualifying.
- (i) Conviction or imprisonment for other than a felony. Area commanders may authorize enlistment of desirable men who have been tried, convicted, and/or imprisoned under sentence of a civil court for other than a felony and who have been unconditionally released from civil control for a minimum period of 6 months.
- (ii) Juvenile and youthful offender records. The fact of adjudication as a youthful offender or juvenile delinquent by a State or disposition by Federal juvenile authorities is not in itself a bar to enlistment, and waivers for the enlistment of men with such records may be granted by area commanders. This authority may be further delegated to chiefs of military districts.
- (iii) Minor offenses. Men with records of minor offenses may be granted waivers for enlistment by chiefs of military districts. These offenses include minor traffic violations and single cases of drunkenness, vagrancy truancy peace disturbance, etc., for which no type of civil restraint is imposed.
- (4) Persons receiving disability pension or compensation. Persons receiving disability pension or compensation from the Veterans' Administration, if physically qualified and otherwise eligible, may be enlisted provided the applicant agrees in writing to waive such pension or compensation at time of entry on active duty
- (5) Types of discharge. (i) Applicants whose DD Form 214 (Report of Separation from the Armed Forces of the United States) includes the following: "EM does not meet prescribed requirements for retention" "Adjudged a Youthful Offender" or "AFR 39-14, and 1tr AFPMP-4th, March 20, 1950, subject: Discharge of Physically Disqualified Airmen for Convenience of the Government" unless waiver is granted by The Adjutant General.
- (ii) Male applicants whose DD Form 214 includes the following statement under item 38: "Par. 11, SR 615–105–1 applies," or "Par. 9 AR 615–120, applies," unless waiver is granted by the area commander.
- (iii) Applicants last discharged by resaon of dependency or hardship, unless the cause for which discharged has been removed. Proof that the cause for which discharged has been removed will be furnished by the applicant. Applicants who apply for enlistment within 1 year from date of discharge for dependency or hardship will not be accepted for enlistment unless a waiver is granted by the area commander.
- (iv) Former commissioned officers or warrant officers last separated from any of the Armed Forces, either as a direct result of trial by courts-martial, reclassification, and/or elimination proceedings or by resignation in lieu thereof, and former officers and warrant officers last separated under AR 605-200 (demotion

- and elimination) Waivers may be requested from the area commander for those applicants last separated from the Army or Army Air Corps.
- (v) Former Regular Army officers and warrant officers regardless of conditions under which separated, unless specific authority from the area commander is obtained
- (b) No waivers granted. The following listed classes of personnel are ineligible for enlistment as reservists, and requests for waivers of these disqualifications will not be initiated.
- (1) Selective Service registrants. Selective Service registrants who have received orders from their local boards to report for induction, and registrants reclassified into class 1-A-O and 1-A-P unless their classification is changed by their local boards.
- (2) Persons with military status. (i) Any Reserve officer of the Army (Army Reserve or National Guard of the United States) any member of the Regular Army, Navy, Air Force, Marine Corps, or Coast Guard, any cadet of the United States Military Naval, Coast Guard, or Air Force Academies, or a member of the Public Health Service or Coast and Geodetic Survey.
- (ii) Any member of a reserve component of another Armed Force, except as provided in special regulations.
- (3) Persons convicted of felonies. Any person convicted of a felony is not acceptable for enlistment. For prior service men, only those offenses committed subsequent to last honorable active service are considered disqualifying.
- (4) Applicants against whom criminal charges are pending. Persons who have criminal charges filed and pending against them alleging a violation of State, Federal, or Territorial statute.
- (5) Parolees. Persons under parole, probation, or suspended sentence from any civil court.
- (6) Women. (i) Women who have any legal or other responsibility for the custody, control, care, maintenance, or support of any child or children, including step-children or foster children, under 18 years of age.
- (ii) Married women without prior Army service.
- (iii) Women who were last separated from any component of any of the Armed Forces with other than an honorable discharge, or who are ineligible under any provision of paragraphs 9 or 10, AR 615-120 (Qualifications for enlistment or reenlistment in the Regular Army)
- (iv) Women who have juvenile or youthful offender records or who have been convicted by civil court of any offense, except minor traffic violations.
- (7) Insane or habitually intoxicated persons. Insane or habitually intoxicated persons will not be enlisted as reservists.
- (8) Applicants having venereal disease or a history of venereal disease. Men who have an active or chronic venereal disease and women who have a history of any venereal disease.

- (9) Claim of prior honorable service. Persons who apply for enlistment from civilian life and who claim prior honorable service but are unable to produce written evidence of such service will not be enlisted until verification of service is received.
- (10) Applicants for retirement, and persons receiving retired or retainer pay. Persons who have pending an application for retirement, and persons retired or receiving retired or retainer pay from any of the Armed Forces whether for disability or length of service.

(11) Persons who have received severance pay. Persons whose last report of separation shows that severance pay was received.

- (12) Applicants who are disloyal or subversive, or who refuse to sign loyalty certificates. (1) Applicants who admit participation or whose available records show that they have at any time engaged in disloyal or subversive activities, or whose records indicate they were under investigation pursuant to SR 600-220-1 (Military Personnel Security Program) or corresponding regulations of another Armed Force at the time of separation because of expiration of term of service or discharge for other cause.
- (ii) An applicant who refuses to complete DD Form 98 (Loyalty Certificate for Personnel of the Armed Forces) in its entirety (this includes claim of constitutional privileges under the Fifth Amendment or under Uniform Code of Military Justice Article 31, or who completes it with qualifications or with entries which provide reason for belief that enlistment or reenlistment is not clearly consistent with the interest of national security)
 - (13) Homosexuals.
- (14) Conscientious objectors. Original enlistment of men who indicate in any form whatsoever conscientious opposition to the bearing of arms. This includes personnel otherwise eligible to enlist for 2 years under the Universal Military Training and Service Act.
- (15) Types of separation. Male applicants last discharged under AR 615–364 (dishonorable and bad conduct) AR 615–366 (misconduct) AR 615–368 (unfitness) AR 615–369 (inaptitude or unsuitability) or under any of the regulations listed in paragraph 10n, AR 615–120, or, if discharged from the Army Reserve, under the equivalent subparagraphs of SR 140–175–1 (officer separations) and SR 140–177–1 (enlisted separations)
- § 561.36 Periods of enlistment. Enlistments as reservists of the Army for service in the Army Reserve normally will be for 3 years, except as listed below.
- (a) All enlistments in force at the beginning of a war or national emergency hereafter declared by the Congress or entered into during the existence of war or such national emergency, which otherwise would expire, shall continue in force until 6 months after the termination of the war or national emergency whichever is later, unless sooner terminated by the Secretary of the Army.
- (b) A male enlistee, who upon enlistment has not attained the 26th anniversary of his birth and who has not had prior military service in a regular

or reserve component of any Armed Force, incurs the 8-year service obligation imposed by section 4 (d) (3) Universal Military Training and Service Act, as amended (62 Stat. 607: 50 U.S. C. 454 (d)) and will be enlisted for a period of 8 years. Those enlistees who have incurred, and who have satisfied, or been relieved of the Reserve or service obligations imposed by subsections 4 (d) (1) 4 (d) (2) or 4 (d) (3) of that act will be enlisted for a period of 3 years unless a longer period is necessary to satisfy an existing Reserve obligation. Enlistment in each such case will be for a period of a number of whole years which will cover the period of the remainder of the individual's existing Reserve obligation.

(c) When an enlisted member of a reserve component is designated as an officer candidate for temporary duty in such category his enlistment period is extended beyond the normal expiration date thereof by a period equal to the time he may remain in such officer candidate status.

[SEAL] JOHN A. KLEIN,

Major General, U. S. Army,

The Adjutant General.

[F R. Doc. 55-1679; Filed, Feb. 25, 1955; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 104]

PART 608-RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army the Navy and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

- 1. In § 608.36 Nevada there occurs a small part of California Restricted Area Complex (R-484) and Saline Valley Restricted Area (R-485) For convenience these areas have been listed under the State of California. See § 608.14 California for descriptions.
- 2. In § 608.14, a Complex, California, area (R-484) is added to read:

Name and location (chart)	Description by geographical coordinates	Designated alti- tudes	Time of des- ignation	Using agency
C O M P I, E X CALIF (R-484) (Los Angeles-Mt, Whitney).	Beginning at latitude 37°12′00″ longitude 117°20′00″ thence to latitude 38°34′00″ longitude 116°23′00″ thence to latitude 38°34′00″ longitude 116°18′45″ thence to latitude 38°18′ 45″, longitude 116°18′45″, thence to latitude 35°18′ 45″, longitude 116°18′45″; thence southwest along the boundary of Amber eivil airway No. 2, thence to latitude 35°07′00″, longitude 116°34′ 45″ thence to latitude 35°07′00″, longitude 116°34″ 45″ thence to latitude 35°0 00′30″ longitude 116°34′ 45″ thence to latitude 35°0 00′30″ longitude 116°38′40″ thence to latitude 34°53′00″ longitude 117°11′50″ thence to latitude 34°53′00″ longitude 117°11′50″ longitude 117°32′00″ thence to latitude 34°48′00″ longitude 117°35′00″ thence to latitude 34°48′00″ longitude 118°01′00″ thence to latitude 34°48′00″ longitude 118°01′00″ thence to latitude 34°49′40″ longitude 118°05′45″ thence to latitude 33°00′0′0″ longitude 118°35′00″ longitude 118°35′00″ longitude 118°35′00″ thence to latitude 33°300′0″ longitude 118°35′00″ longitude 118°35′00″ longitude 118°35′00″ longitude 118°35′00″ longitude 118°35′00″ thence to latitude 33°32′00″ longitude 118°35′00″ longitude 11	20,000 feet mean sea level to unlimited, except within the boundaries of established restricted areas wherein the designated altitude will be from the surface to unlimited.	Unlimited	For the area from 20 000 feet mean sea level to unlimited, except within the boundaries of existing restricted areas NOT S-Inyokern.

Note: A small portion in the northeast corner of this restricted area is actually found in Nevada, but for convenience the entire area has been listed under California.

3. In § 608.14, a Saline Valley California, area (R-485) is added to read:

Name and location (chart) -	Description by geographical coordinates	Designated alti- tudes	Time of des- ignation	Using agency
SALINE VAL- LEY CALIF (R-485) (Mt. Whitney).	Beginning at latitude 37°11′30″ longitude 117°29′30″ thence to latitude 37°01′20″, longitude 117°20′30″ thence to latitude 37°01′20″, longitude 117°20′30″ thence to latitude 36°56′30″ thence to latitude 36°56′30″, longitude 117°20′30″ thence to latitude 36°56′30″, longitude 117°20′30″ thence to latitude 36°24′20″, longitude 117°21′30″ thence to latitude 36°24′20″ longitude 117°41′00″ thence to latitude 36°41′00″ longitude 117°41′40″ thence to latitude 36°41′00″ longitude 117°41′40″ thence to latitude 36°41′00″, longitude 117°43′45″ thence to latitude 36°41′00″, longitude 117°43′30″ thence to latitude 36°41′20″, longitude 117°41′30″ thence to latitude 36°41′20″, longitude 117°41′30″ thence to latitude 37°11′30″ thence to latitude 37	Surface to un- limited.	Unlimited	Commandant, Eleventh Na- val District.

Note: A small portion in the northeast corner of this restricted area is actually found in Nevada, but for convenience the entire area has been listed under California.

4. In § 608.14, the Camp Irwin, California, area (R-276 formerly D-276) published on August 17, 1949, in 14 F R. 5122, and amended on December 30, 1950, in 15 F R. 9435, is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated alti- tudes	Time of des- ignation	Using agency
CAMPIRWIN CALIF (R-276) (Los Angeles).	Beginning at latitude 35°37′45″ longitude 116°29′40″ thence to latitude 35°34′30″ longitude 116°29′40″ thence to latitude 35°34′30″ longitude 116°29′40″ thence to latitude 35°38′30″ longitude 116°18′45″ thence to latitude 35°18′45″ longitude 116°18′45″ thence southwest along the boundary of Amber civil airway No. 2; thence to latitude 35°07′00″ longitude 116°47′45″ thence to latitude 35°07′00″ longitude 116°47′45″ thence to latitude 35°19′00″ thence to latitude 35°19′00″, thence to latitude 35°19′00″, longitude 116°49′00″ thence to latitude 35°19′00″ longitude 116°55′20″ thence to latitude 35°37′45″, longitude, 116°55′20″ thence to latitude 35°37′45″, longitude, 116°55′20″ thence to point of beginning.	Unlimited	Unlimited	Fourth Air Force Hamilton Air Force Base Calif.

5. In § 608.14, the Muroc Lake, California, area (R-279 formerly D-279) published on July 16, 1949, in 14 F R. 4288, and amended on October 15, 1952, in 17 F R. 9133, is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated alti- tudes	Time of des- ignation	Using agency
MUROC LAKE, CALIF (R-279) (Los Angeles).	Beginning at latitude 35°19′00″ longitude 116°49′00″, thence to latitude 35°10′00″, longitude 116°49′00″, thence to latitude 35°10′00″, longitude 116°49′40″, thence to latitude 35°30′50″, longitude 116°48′40″, thence to latitude 36°00′30″, longitude 116°31′40″, thence to latitude 34°50′20″, longitude 117°31′50″, thence to latitude 34°48′30″, longitude 117°32′00″, thence along the boundary of Green civil airway No. 4; thence to latitude 34°48′00″ longitude 117°32′00″, thence to 34°48′00″ longitude 118°01′00″, thence to 1atitude 34°49′40″, longitude 118°01′00″, longitude 118°01′00″, longitude 118°05′45″, thence to latitude 35°02′30″ longitude 117°57′30″, thence to latitude 35°02′30″ longitude 117°57′30″, thence to latitude 35°02′30″ longitude 117°57′30″, longitude 117°55′20″, longitude 116°55′20″, longitude 116°55′20″, longitude 116°55′20″, longitude 110°55′20″, longitu	Unlimited	Continuous.	Edwards Air Force Base Edwards, Calif.

- 6. In § 608.14, the China Lake, California, area (R-278 formerly D-278) published on July 16, 1949, in 14 F R. 4288, and amended on October 29, 1949, in 14 F R. 6596, is further amended by changing the "Time of Designation" column to read: "Unlimited."
- 7. In § 608.14, the Cuddeback Dry Lake, California, area, (R-447 formerly D-447) published on November 10, 1953, in 18 F R. 7056, is amended by changing the "Time of Designation" column to read: "Unlimited."
- 8. In § 608.31, the Grand Marais, Minnesota, area (R–187 formerly D–187) published on July 16, 1949, in 14 F R. 4292, is amended by changing the "Using Agency" column to read: "31st Air Division (Defense) St. Paul, Minnesota." (Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on March 15, 1955.

[SEAL] F B. LEE,
Administrator of Civil Aeronautics.

[F R. Doc. 55-1607; Filed, Feb. 25, 1955; 8:45 a. m.]

No. 40--3

[Amdt. 82]

PART 610-MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

1. Section 610.15 Green Civil Arrway No. 5 is amended to read in part:

From—	То	Mini- mum alti- tude
Palo Pinto (INT), Tex.	Mineral Wells, Tex. (LF/RBN).	2, 400

2. Section 610.102 Amber Civil Arrway No. 2 is amended to read in part:

From-	То	Mini- mum alti- tude
Beetles, Alaska (LFR).	Umiat, Alaska i (LF/ RBN).	9, 800
15 000/Minimum	mogana altituda -t	77

 $^{15,000'}\mathrm{-Minimum}$ crossing altitude at Umiat (LF/RBN), southbound.

3. Section 610.102 Amber Civil Arrway No. 2 is amended by adding:

From-	То—	Mini- mum alti- tude
Umiat, Alaska (LF/ RBN).	Pomt Barrow, Alaska (LF/RBN).	3, 000

4. Section 610.113 Amber Civil Airway No. 13 is added to read.

From	То	Mini- mum alti- tude
Riverdale, Md. (LF/ RBN).	Baltimore, Md. (LFR).	1, 500
Baltimore, Md. (LFR).	Int. N ers. Baltimere, Md. (LFR), and SW ers. Philadel- phia, Pa. (LFR).	2,000
Int. N crs. Baltimore, Md. (LFR), and SW crs. Philadelphia, Pa. (LFR).	Philadelphia, Pa. (LFR).	1,800
Philadelphia, Pa. (LFR).	North Philadelphia, Pa. (LFR).	1,800
North Philadelphia, Pa. (LFR).	Newark, N.J. (LFR)	1, 500

5. Section 610.114 Amber Civil Arrway No. 14 is added to read:

From-	То	Mini- mum alti- tude
Riverdale, Md. (LF/RBN). Ellicott City (INT), Md. Westminster (INT), Md. Lancaster, Pa. (LF/RBN). Willow Grove, Pa. (LFR). Belle Mead (INT), N. J.	Ellicott City (INT), Md. Westmister (INT), Md. Lancaster, Pa. (LF/ RBN). Willow Grove, Pa. (LFR). Belle Mead (INT), N.J. Chatham, N. J. (LF/ RBN).	2, 000 2, 000 2, 000 2, 500 1, 700 2, 000

6. Section 610.115 Amber Civil Arrway No. 15 is added to read:

From—	То	Mini- mum alti- tude
Riverdale, Md. (LF/ RBN).	Bàltimore, Md. (LFR).	1, 500
Baltimore, Md. (LFR)	Int. N crs. Baltimore, Md. (LFR), and SW crs. Philadelphia, Pa. (LFR).	2, 000
Int. N crs. Baltimore, Md. (LFR), and SW crs. Philadelphia, Pa. (LFR).	Philadelphia, Pa. (LFR).	1, 800
Philadelphia, Pa. (LFR).	Mt. Holly (INT), N. J.	1, 800
Mt. Holly (INT), N. J. Freehold (INT), N. J.	Freehold (INT), N. J. Idlewild, N. Y. (LFR).	1, 500 1, 500

7. Section 610.119 Amber Civil Airway No. 19 is added to read:

From—	То	Mini- mum alti- tude
Riverdale, Md. (LF/RBN).	Baltimore, Md. (LFR).	1, 500
Baltimore, Md. (LFR).	Int. N crs. Baltimore, Md. (LFR), and SW crs. Philadelphia, Pa. (LFR).	2,000
Int. N ers. Baltimore, Md. (LFR), and SW ers. Philadelphia, Pa. (LFR).	Philadelphia, Pa. (LFR).	1,800
Philadelphia, Pa. (LFR).	Mt. Holly (INT), N. J.	1,800
Mt. Holly (INT), N. J. Freehold (INT), N. J. Flatbush (INT), N. Y.		1, 500 1; 500 2, 500
	1	

8. Section 610.202 Red Civil Arrway No. 2 is amended to delete:

From-	То	Mini- mum alti- tude
Whitehall, Mont. (LFR).	Bozeman, Mont. (LFR).	9, 000

9. Section 610.212 Red Civil Airway No. 12 is amended to delete:

From	То	Mini- mum alti- tude
Int. N crs. Peoria, Ill. (LFR), and SW crs. Joliet, Ill. (LFR).	Joliet, Ill. (LFR)	2,000

10. Section 610.212 Red Civil Airway No. 12 is amended to read in part:

From-	То-	Mini- mum alti- tude
Joliet, Ill. (LFR)	South Bend, Ind.	2,000
South Bend, Ind. (LFR).	Union (INT), Mich	2,000
Union (INT), Mich	Manchester (INT),1 Mich.	2, 400
Manchester (INT), Mich.	Detroit, Mich. (LFR).	2,000

2,300'-Minimum crossing artitude at Manchester (INT), westbound.

11. Section 610.602 Blue Civil Airway No. 2 is amended to read in part:

From-	То	Mini- mum alti- tude
Int. SE crs. Craig AFB, Ala. (LFR), and N crs. Crest- view, Fla. (LFR),	Greenville (INT), Ala.	1,800

12. Section 610.606 Blue Civil Arrway No. 6 is amended to delete:

From-	То	Mini- mum alti- tude
Peoria, Ill. (LFR)	Bradford (INT), Ill	2,000

13. Section 610.619 Blue Civil Arrway No. 19 is amended by adding:

From-	То	Mini- mum alti- tude
Key West, Fla, (LFR).	Miamı, Fla. (LFR)	1, 400

14. Section 610.670 Blue Civil Airway No. 70 is amended to read in part:

From—	То—	Mini- mum alti- tude
Mineral Wells, Tex. (LF/RBN). Alvord (INT), Tex	Alford (INT), Tex Ardmore, Okla. (LF/RBN).	2, 500 2, 600

15. Section 610.6002 VOR Civil Arrway No. 2 is amended to delete:

From-	То	Mini- mum alti- tude
Lansing, Mich. (VOR),	Howell (INT), Mich.,	2, 900
Howell (INT), Mich.,	Detroit, Mich. (VOR),	2, 500
Lansing, Mich. (VOR).	. Detroit, Mich. (VOR).	2, 900
	<u> </u>	

1 2,900'—Minimum crossing altitude at Howell (INT), westbound.

16. Section 610.6002 VOR Civil Airway No. 2 is amended by adding:

From-	То	Mini- mum alti- tude
Lansing, Mich. (VOR).	Salem, Mich. (VOR)	2, 900

17. Section 610.6003 VOR Civil Airway No. 3 is amended to delete:

From—	То—	Mini- mum alti- tude
Lumberton, N. C. (VOR), via E alter.	Raleigh, N C (VOR), via E alter.	2, 100

18. Section 610.6006 VOR Civil Arrway No. 6 is amended to delete:

From—	То	Mini- mum alti- tude
Allentown, Pa. (VOR)	Summitt (INT), N. J.	2, 500

19. Section 610.6006 VOR Civil Airway No. 6 is amended by adding:

From-	То	Mini- mum alti- tude
Allentown, Pa. (VOR).	Belle Mead (INT),	2, 500
Belle Mead (INT),	New Brunswick (INT), N: J.	2,000
New Brunswick (INT), N. J.	Colts Neck, N. J. (VOR).	1,500

20. Section 610.6006 VOR Civil Airway No. 6 is amended to read in part:

From-	То	Mini- mum alti- tude
Naperville, Ill. (VOR).	South Bend, Ind.	2,300
South Bend, Ind. (VOR).	(VOR). Elmira (INT), Ohio	3 4,000
Elmira (INT), Ohio	Waterville, Ohio (VOR).	2,000

¹ 4,000'—Minimum reception altitude. ² 2,300'—Minimum terrain clearance altitude.

21. Section 610.6007 VOR Civil Arrway No. 7 is amended to delete:

From-	То	Mini- mum alti- tude
Lafayette, Ind. (VOR), via Walter.	Chicago Heights, Ill. (VOR), via Walter.	2, 000

22. Section 610.6007 VOR Civil Arrway No. 7 is amended to read in part:

From-	То	Mini- mum alti- tude
T . M	4 41 . (7) 700 4 731-	
Fort Myers, Fla. (VOR).	Arcadia (INT),1 Fla	2 2, 000
Arcadia (INT), Fla	Lakeland, Fla. (VOR).	2 2,000
Fort Myers, Fla.	La Belle (INT), Fla.,	1, 300
(VOR), via E alter.	via E alter.	
La Belle (INT), Fla., via E alter.	Lakeland, Fla. (VOR), via Ealter.	2 6, 000
Fort Myers, Fla.	Tampa, Fla. (VOR),	1,500
(VOR), via Walter.	via Walter.	1,000
Lakeland, Fla. (VOR).	Cross City, Fla.	2 2,000
	_(VOR).	
Tampa, Fla. (VOR),	Homo (INT),4 Fla.,	ι 1, 500
via Walter. Homo (INT).4 Fla	via Walter. Cross City, Fla.	2 2, 000
via W alter.	(VOR), via Walter.	- 2,000
Cross City, Fla. (VOR).	Tallahassee, Fla.	1, 400
	(VOR).	
Cross City, Fla.	Tallahassee, Fla.	⁶ 2, 000
(VOR), via W alter.	(VOR), via Walter.	

1 5,000′—Minimum reception altitude.
2 1,300′—Minimum terram clearance altitude.
3 6,000′—Minimum reception altitude.
4 2,000′—Minimum reception altitude.
5 1,200′—Minimum terram clearance altitude.
6 1,400′—Minimum terram clearance altitude.

23. Section 610.6007 VOR Civil Airway No. 7 is amended by adding:

From—	То—	Mini- mum alti- tude
Birmingham, Ala.	Muscle Shoals, Ala.	2, 500
Muscle Shoals, Ala.	Graham, Tenn.	2, 500
Graham, Tenn. (VOR).	Nashville, Tenn. (VOR).	2, 500

24. Section 610.6008 VOR Civil Arrway No. 8 is amended to read in part:

. From—	То	Mini- mum alti- tude
Akron, Colo. (VOR), via S alter. Moline Ill. (VOR) Naperville, Ill. (VOR) Chicago Heights, Ill. (VOR).	Imperial, Nebr (VOR), via Salter, Naperville, Ill. (VOR). City (INT), Ill Goshen, Ind. (VOR).	5, 600 2, 100 2, 300 2, 100

25. Section 610.6008 VOR Civil Airway No. 8 is amended by adding:

From—	То	Mini- mum alti- tude
Dawsonville (INT), Va.	Washington, D. C. (TVOR).	2, 000

26. Section 610.6009 VOR Civil Airway No. 9 is amended to read in part:

From—	То	Minı- mum alti- tude
Springfield, Ill. (VOR) Pontiac, Ill. (VOR) Joliet, Ill. (VOR)	Pontiae, Ill. (VOR) Joliet, Ill. (VOR) Naperville, Ill. (VOR)	1 2, 500 2, 000 2, 000

^{1 2,300&#}x27;-Minimum terrain clearance altitude.

27. Section 610.6009 VOR Civil Airway No. 9 is amended by adding:

From—	То—	Mini- mum alti- tude
Naperville, Ill. (VOR)	Barrington (INT), Wis_	2 , 500
Barrington (INT), Wis.	Wheatland (INT), Wis.	2, 200
Wheatland (INT), Wis_	Milwaukee, Wis.	2,000
Naperville, Ill. (VOR),	Woodstock (INT), Wis., via Walter.	2, 200
Woodstock (INT), Wis.,	Wheatland (INT), via Walter.	2, 200
Wheatland (INT), Wis., via W alter.	Milwaukee, Wis. (VOR), via Walter.	2,000

28. Section 610.6010 VOR Civil Airway No. 10 is amended to read in part:

From—	То—	Mini- mum alti- tude
Bradford, Ill. (VOR) Naperville, Ill. (VOR). Via N alter	Naperville, Ill. (VOR). South Bend, Ind. (VOR). Via N alter	2, 000 2, 300 2, 300

29. Section 610.6010 VOR Civil Airway No. 10 is amended by adding:

From—	То	Mini- mum alti- tude
Litchfield, Mich. (VOR). Milan (INT), Mich. Carleton, Mich. (VOR). Detroit River (INT), Mich. Pelee (INT), 4 Ontario, Canada. Youngstown, Ohio (VOR). Mercer (INT), Pa. Brookville (INT), Pa.	Canada.	2, 400 2, 000 2, 000 23 2, 500 34 9, 000 2, 600 4, 000 4, 000

30. Section 610.6011 VOR Civil Airway No. 11 is amended by adding:

From—	To→	Mini- mum alti- tude
Scotland, Ind. (VOR), via W alter. Cloverdale (INT) 1 Ind., via W alter.	Cloverdale (INT), 1 Ind., via Walter. Indianapolis, Ind. (VOR), via Walter.	2, 800 2, 200
Scotland, Ind. (VOR),	Paragon (INT), Ind.,	³ 3, 000
Paragaon (INT), Ind., via E alter.	Indianapolis, Ind.,	2, 200
Fort Wayne, Ind. (VOR), via W alter.	Litchfield, Mich. (VOR), via Walter.	2,700
Litchfield, Mich. (VOR), via Walter.	Wolf Lake (INT), Mich., via Walter.	2, 300
Wolf Lake (INT), Mich., via Walter.	Salem, Mich. (VOR), via Walter.	2, 300

¹ 2,800'—Minimum crossing altitude at Cloverdale (INT), southbound. ² 3,000'—Minimum reception altitude. ³ 2,200'—Minimum terrain clearance altitude.

31. Section 610.6011 VOR Civil Arrway No. 11 is amended to read in part:

From—	То	Mini- mum alti- tude
Fort Wayne, Ind. (VOR). Edgerton (INT), Ind. Hudson (INT), Mich. Tipton (INT), Mich. Bridgewater (INT), Mich.	Edgerton (INT), Ind Hudson (INT), Mich Tipton (INT), Mich Bridgewater (INT), Mich Salem, Mich. (VOR)	2,600 1 4,000 1 2,300 2,300 2,300

^{1 2,100&#}x27;-Minimum terrain clearance altitude.

32. Section 610.6012 VOR Civil Airway No. 12 is amended to read in part:

From-	То	Mini- mum alti- tude
St. Louis, Mo. (VOR),	Fidelity (INT), Ill.,	2,000
Fidelity (INT),1 Ill.,	Vandalia, Ill. (VOR),	2,000
via N alter. Vandalia, Ill. (VOR)	via N alter. Union Center (INT), ² Ill.	2,000
Union Center (INT),3	Terre Haute, Ind.	2,000
Indianapolis, Ind., via N alter.	Castleton (INT),3 Ind., via N alter.	2,800
Castleton (INT),3 Ind.	Dayton, Ohio (VOR),	2, 500
via N alter. Vandalia, Ill. (VOR), via N alter.	via N alter. Terre Haute, Ind. (VOR), via N alter.	2, 200
		<u>'</u>

33. Section 610.6012 VOR Civil Airway No. 12 is amended to delete:

From-	То	Mini- mum alti- tude
Harrisburg, Pa. (VOR), via Nalter.	West Chester, Pa. (VOR), via N alter.	2, 500

34. Section 610.6012 VOR Civil Airway No. 12 is amended by adding:

From—	То—	Mini- mum alti- tude
Terre Haute, Ind. (VOR), via Salter. Cloverdale (INT), Ind., via Salter.	Cloverdale (INT), Ind., via S alter. Indianapolis, Ind. (VOR), via S alter.	2, 300 2, 200

35. Section 610.6014 VOR Civil Airway No. 14 is amended to read in part:

From—	То—	Mini- mum alti- tude
St. Louis, Mo. (VOR), via N alter. Fidelity (INT), I III., via N alter. Vandalia, Ill. (VOR), via N alter. Indianapolis, Ind. (VOR), Wabash (INT), Ind	Fidelity (INT), Ill., via N alter. Vandalia, Ill. (VOR), via N alter. Terre Haute, Ind. (VOR), via N alter. Wabash (INT), Ind Findlay, Ohio (VOR).	2,000 2,000 2,200 2,200 2,200 2,200

¹ 3,000'—Minimum reception altitude. ² 2,800'—Minimum terrain clearance altitude.

36. Section 610.6014 VOR Civil Arrway No. 14 is amended to delete:

From—	То	Mini- mum alti- tude
Terre Haute, Ind. (VOR), via N alter.	Indianapolis, Ind. (VOR), via N alter.	2, 200

37. Section 610.6014 VOR Civil Airway No. 14 is amended by adding:

From—	То	Mini- mum alti- tude
Terre Haute, Ind. (VOR), via S alter. Cloverdale (INT), Ind., via S alter.	Cloverdale (INT), Ind., via S alter. Indianapolis, Ind. (VOR), via S alter.	2, 300 2, 200

38. Section 610.6017 VOR Civil Arrway No. 17 is amended to read in part:

From—	То	Mini- mum alti- tude
Waco, Tex. (VOR) Riovista (INT), Tex	Riovista (INT), Tex- Fort Worth, Tex. (VOR).	2, 000 2, 100

^{1 3,000&#}x27;—Minimum reception altitude.

39. Section 610.6020 VOR Civil Airway No. 20 is amended to read in part:

From—	То—	Mini- mum alti- tude
Evergreen, Ala.	Montgomery, Ala.	1,800
Kent (INT), Ala	(VOR). La Grange, Ga. (VOR).	1, 900
La Grange, Ga. (VOR)		2,000

^{1 2,200&#}x27;-Minimum reception altitude.

^{1 2,500 —} Minimum reception altitude. 2 2,000 — Minimum terrain clearance altitude. 3 For that airspace over U. S. territory. 4 2,500 — Minimum terrain clearance altitude. 4 4,000 — Minimum reception altitude.

^{1 3,000&#}x27;—Minimum reception altitude. 8 2,400'—Minimum reception altitude. 3 2,800'—Minimum crossing altitude at Castleton (INT), westbound.

40. Section 610.6025 VOR Civil Airway No. 25 is amended to delete:

From—	То	Mini- mum alti- tude
San Francisco, Calif. (VOR). Oakland, Calif. (VOR), via W alter.	Oakland, Calif. (VOR). Ukiah, Calif. (VOR). Via Walter	3, 000 6, 000 6, 000

41. Section 610.6025 VOR Civil Airway No. 25 is amended by adding

From—	То	Mini- mum alti- tude
Santa Barbara, Calif. (VOR). San Francisco,¹ Calif. (VOR). San Bruno (INT), Calif. Stinson Beach (INT), Calif. Point Reyes, Calif. (VOR).	Paso Robles, Calif. (VOR). San Bruno (INT), Calif. Stinson Beach (INT), Calif. Point Reyes, Calif. (VOR). Ukiah, Calif. (VOR).	8, 000 3, 000 4, 000 6, 000 6, 000

 $^{^{\}rm 1}$ 3,500'—Minimum crossing altitude at San Francisco (VOR), southbound.

42. Section 610.6026 VOR Civil Airway No. 26 is amended by adding:

From—	То	Mini- mum alti- tude
Muskegon, Mich. (VOR). VIOR Salter. Lausing, Mich. (VOR). Salem, Mich. (VOR). Eloise (INT), Mich. Pelee (INT), Ont., Canada.	Eloise (INT), Mich Pelee (INT), Ont., Canada.	2, 500 2, 200 2, 900 2, 000 2, 2, 500 3+2, 500

- 1 2,500'—Minimum reception altitude.
 2 2,000'—Minimum terrain clearance altitude.
 3 1,900'—Minimum terrain clearance altitude.
 4 That airspace over U. S. territory.

43. Section 610.6027 VOR Civil Airway No. 27 is amended to read in part:

From—	То	Mini- mum alti- tude
Salinas, Calif. (VOR), via E alter. San Francisco,! Calif. (VOR), via E alter. Oakland Calif (VOR), via E alter.	San Francisco, Calif. (VOR), via E alter. Oakland, Calif. (VOR), via E alter. Point Reyes, Calif. (VOR), via E alter.	6, 000 3, 000 6, 000

¹ 3,500'—Minimum crossing altitude at San Francisco (VOR), southbound.

44. Section 610.6030 VOR Civil Airway No. 30 is amended to read in part:

From-	То	Mini- mum alti- tude
Milwaukee, Wis. (VOR). Milwaukee, Wis. (VOR), via Salter. Taylor (INT), Wis., via Salter. Allentown, Pa. (VOR).	Pullman, Mich. (VOR). Taylor (INT), Wis., via Salter. Pullman, Mich. (VOR), via Salter. Chatham (INT), N. J.	2, 000 2, 000 2, 2, 200 2, 500

45. Section 610.6035 VOR Civil Arrway No. 35 is amended by adding:

From-	То—	Mini- mum alti- tude
Tallahassee, Fla. (VOR). Albany, Ga. (VOR). Asheville, N. C (VOR).	Albany, Ga. (VOR) Macon, Ga. (VOR) Tri-City Tenn. (VOR).	1, 400 1, 600 8, 500

46. Section 610.6038 VOR Civil Airway No. 38 is amended by adding:

From—	To-	Mini- mum alti- tude
Peotone, Ill. (VOR) Shelby (INT), Ind	Shelby (INT), Ind Fort Wayne, Ind. (VOR).	2, 000 1 4, 000

^{1 2,000&#}x27;-Minimum terrain clearance altitude.

47. Section 610.6038 VOR Civil Airway No. 38 is amended to delete:

То⊸	Mini- mum alti- tude
Thomaston (INT),	2, 000
Mentone (INT), Ind Fort Wayne, Ind.	3, 000 2, 200
Fort Wayne, Ind.	3, 000
Findlay, Ohio (VOR),	2,7200
	Thomaston (INT), Ind. Mentone (INT), Ind. Fort Wayne, Ind. (VOR), VOR), VOR), VOR), VIA Salter, Findlay, Ohio (VOR),

48. Section 610.6040 VOR Civil Airway No. 40 is amended to delete:

From—	То	Mini- mum alti- tude
Flint (INT), Mich Milford (INT), Mich Detroit, Mich. (VOR)	Milford (INT), Mich. Detroit, Mich. (VOR). South Bass (INT), Ohio.	2, 300 2, 500 2, 300
'South Bass (INT), Ohio,	Marblehead (INT), Ohio.	3, 000
Marblehead (INT), Ohio.	Bay (INT), Ohio	² 2, 500
Bay (INT), Ohio	Peru (INT), Ohio	2,000

^{14,000&#}x27;—Minimum reception aititude. 22,000'—Minimum terrain clearance altitude.

49. Section 610.6042 VOR Civil Airway No. 42 is amended to delete:

From-	То—	Mini- mum alti-
Naperville, Ill. (VOR). Pullman, Mich. (VOR). Bedford (INT), Mich. Henrietta (INT), Mich.	Pullman, Mich. (VOR). Bedford (INT), Mich. Henrietta (Int), Mich. Detroit, Mich. (VOR).	2, 300 1 3, 500 3 3, 500 3 3, 000

^{1 3,000&#}x27;—Minimum terrain clearance altitude. 2 3,000'—Minimum reception altitude. 3 2,500'—Minimum terrain clearance altitude.

50. Section 610.6042 VOR Civil Airway No. 42 is amended to read in part:

From-	То-	Mini- mum alti- tude
Salem, Mich. (VOR)	Riverside (INT), Mich.	2, 300

^{1 4.500&#}x27;-Minimum reception altitude.

From-	To	Mini- mum alti- tude
Riverside (INT), Mich. Essex (INT), Ont., Canada. Pelee (INT), Ont., Canada.	Essex (INT), Ont. Canada. Pelee (INT), Ont., Canada. Cleveland, Ohio (VOR).	⁸ 43, 700

51. Section 610.6042 VOR Civil Airway No. 42 is amended by adding:

From—	То			Mini- mum alti- tude
Dawsonville (INT), Va	Washington, (TVOR).	D.	C.	2,000

52. Section 610.6047 VOR Civil Airway No. 47 is amended to delete:

From—	То—	Mini- mum alti- tude
Waterville, Ohio (VOR), via direct or Walter.	Detroit, Mich. (VOR), via direct or Walter.	2, 100

53. Section 610.6047 VOR Civil Airway No. 47 is amended by adding:

From-	То	Mini- mum alti- tude
Waterville, Ohio (VOR). Milan (INT), Mich	Milan (INT), Mich Detroit, Mich., Willow Run Apt. ILS local-	2, 300 2, 700
Detroit, Mich., Willow Run Apt. ILS local- izer.	nzer. Mideraft (INT), Mich	2, 700

54. Section 610,6048 VOR Civil Airway No. 48 is amended to read.

From—	то	Mini- mum alti- tude
Burlington, Iowa (VOR). Peoria, Ill. (LFR)	Peoria, Ill. (LFR) Pontiac, Mich (VOR).	1, 900 2, 000

55. Section 610.6050 VOR Civil Arrway No. 50 is amended to delete:

From—	То	Mini- mum alti- tude
Quincy, Ill. (VOR)	Peoria (INT), Ill	1 8, 000

^{1 2,000&#}x27;-Minimum terrain clearance altitude.

56. Section 610.6050 VOR Civil Airway No. 50 is amended by adding:

From-	То	Mini- mum alti- tude
Quincy, Ill. (VOR)Springfield, Ill. (VOR).	Springfield, Ill. (VOR)_ Hindsboro (INT), Ill_	2, 000 1 4, 000

^{1 2,300&#}x27;-Minimum terrain clearance altitude.

¹ 3,000'—Minimum reception altitude. ² 2,000'—Minimum terrain clearance altitude.

^{2 3,700&#}x27;—Minimum reception altitude.
3 2,300'—Minimum terram clearance eltitude.
4 Fot that arrspace over U. S. territory.
5 2,500'—Minimum reception altitude.
6 1,900'—Minimum terram clearance altitude.

From—	То	Mini- mum alti- tude
Hindsboro (INT), III Terre Haute, Ind. (VOR).		2, 200 2, 300
Cloverdale (INT), Ind.	Monrovia (INT), Ind.	2, 300

57. Section 610.6051 VOR Civil Airway No. 51 is amended to delete:

From—	То	Mini- mum alti- tude
Birmingham, Ala. (VOR).	Chattanooga, Tenn	4,000

58. Section 610.6051 VOR Civil Arrway No. 51 is amended by adding:

From—	То—	Mini- mum alti- tude
Miami, Fla. (VOR) Golden Beach (INT),	Golden Beach (INT), Fla. West Palm Beach, Fla.	1, 400
Fla. West Palm Beach, Fla. (VOR).	(VOR). Vero Beach, Fla. (VOR).	1,500
Vero Beach, Fla. (VOR). Daytona Beach, Fla.	Daytona Beach, Fla. (VOR). Jacksonville, Fla.	1,300 1,400
(VOR). Jacksonville, Fla. (VOR).	(VOR). Alma, Ga. (VOR)	1,500
Jackson ville, Fla. (VOR), via Walter. Callahan (INT), Fla.,	Callahan (INT), Fla., via W alter. Alma, Ga. (VOR),	1,300 1,500
via W alter. Alma, Ga. (VOR) Indianapolis, Ind. (VOR).	via W alter. Macon, Ga. (VOR) Lafayette, Ind.	1, 800 2, 100
Lafayette, Ind. (VOR), via E alter. Chicago Heights, Ill.	(VOR). Chicago Heights, Ill. (VOR), via E alter. City (INT), Ill.	2, 000 2, 000

59. Section 610.6051 VOR Civil Airway No. 51 is amended to read in part:

From-	То—	Mini- mum alti- tude
Louisville, Ky. (VOR). Nabb (INT), Ky Hartsville (INT), Ind.	Nabb (INT), Ky Hartsville (INT), Ind. Indianapolis, Ind. (VOR).	2, 100 1 4, 800 2, 300

¹ 2,100'—Minimum terrain clearance altitude.

60. Section 610.6052 VOR Civil Airway No. 52 is amended to read in part:

From-	То	Mini- mum alti- tude
Ottumwa Iowa (VOR), via Nalter.	Quincy, Ill. (VOR), via N alter.	2, 600

 $^{^{1}}$ 2,600'—Minimum crossing altitude at Quincy (VOR), northwest-bound.

61. Section 610.6053 VOR Civil Airway No. 53 is amended to read in part:

From—	То-	Mini- mum alti- tude
Louisville, Ky. (VOR) Banta (INT), Ind	Banta (INT), Ind Indianapolis, Ind. (VOR).	2, 600 2, 300

From—	То	Mini- mum alti- tude
Louisville, Ky. (VOR), via W alter. Mitchell (INT),¹ Ind., via W alter. Sanders (INT), Ind., via W alter. Paragon (INT),¹ Ind., via W alter. Indianapolis, Ind. (VOR). Pittsboro (INT), Ind. Indianapolis, Ind. (VOR), via W alter.	Mitchell (INT), Ind., via W alter. Sanders (INT), Ind., via W alter. Paragon (INT), Ind., via W alter. Indianapolis, Ind. (VOR) via W alter. Pittsboro (INT), Ind. Lafayette, Ind. (VOR) Lafayette, Ind. (VOR), via W alter.	2 3, 000 2 3, 000 2, 500 2, 200 2, 100 3, 000 2, 100

- 1 3,000'—Minimum reception altitude. 2 2,600'—Minimum terrain clearance altitude. 3 2,300'—Minimum reception altitude.

62. Section 610.6053 VOR Civil Arrway No. 53 is amended to delete:

From-	То	Mini- mum alti- tude
Lafayette, Ind. (VOR), via direct or E and Walter. Chicago Heights, Ill. (VOR). Naperville, Ill. (VOR). Lee (INT), Ill. Janesville, Wis. (VOR).	Chicago Heights, Ill: (VOR), via direct or E and W alter. Naper ville, Ill. (VOR). Lee (INT), Ill. Janesville, Wis. (VOR) rad. 331° T and Lone Rock-Mil- wau kee, W1s (VOR's), direct ra- dial.	2, 000 2, 300 2, 400 2, 100 2, 400

63. Section 610.6053 VOR Civil Airway No. 53 is amended by adding:

From—	То-	Mini- mum alti- tude
Lafayette, Ind. (VOR). Peotone, Ill. (VOR)	Peotone, Ill. (VOR) Chicago, Ill., Midway Apt. (TVOR).	¹ 3, 000 2, 300
Chicago, Ill., Midway	Barrington (INT), Wis.	2, 500
Barrington (INT), Wis_	Wheatland (INT), Wis-	2, 200
Wheatland (INT), Wis-	Milwaukee, Wis. (VOR).	2, 000
Charleston, S. C. (VOR).	Columbia, S. C (VOR).	1, 500
Columbia, S. C. (VOR)	Spartanburg, S. C. (VOR).	2,000
Asheville, N.C. (VOR).	Tri-City Tenn. (VOR).	8, 500

^{1 2,000&#}x27;-Minimum terrain clearance altitude.

64. Section 610.6057 VOR Civil Arrway No. 57 is amended to read:

From-	То⊷	Mini- mum alti- tude
Owling Green, Ky. (VOR). Scotland, Ind. (VOR). Lafayette, Ind. (VOR).	Scotland, Ind. (VOR) Lafayette, Ind. (VOR). Chicago Heights, Ill. (VOR).	1 3, 000 2, 000 2, 000

^{1 2,500&#}x27;-Minimum terrain clearance altitude.

65. Section 610.6059 VOR Civil Airway No. 59 is amended to read in part:

From—	То	Mini- mum alti- tude
Springfield, Ill. (VOR).	Peoria, Ill. (LFR)	2,000
Peoria, Ill. (LFR)	Bradford, Ill. (VOR)	2,000
Bradford, Ill. (VOR)	Moline, Ill. (VOR)	2,000

66. Section 610.6063 VOR Civil Airway No. 63 is amended to read:

From—	То	Mini- mum alti- tude
Springfield, Mo. (VOR). Wilton (IN'T), Mo. Columbia, Mo. (VOR). Quincy, Ill. (VOR). Burlington, Iowa (VOR). Moline, Ill. (VOR), via W alter. Janesville, Wis. (VOR), via W alter.	Wilton (INT), Mo Columbia, Mo. (VOR). Quiney, Ill. (VOR). Burlington, Iowa (VOR). Moline, Ill. (VOR). Janesville, Wis. (VOR). Via Walter. Milwaukee, Wis. (VOR). Via Walter	1 3, 500 2, 600 2, 000 2, 600 2, 300 2, 200 2, 200 2, 100 2, 500

¹ 2,500'—Minimum terrain clearance altitude.

67. Section 610.6069 VOR Civil Airway No. 69 is amended to read:

From—	То—	Mini- mum alti- tude
Walnut Ridge, Ark. (VOR). Springfield, Ill. (VOR). Pontlac, Ill. (VOR). Joliet, Ill. (VOR).	Farmington, Mo. (VOR). Pontiac, Ill. (VOR). Joliet, Ill. (VOR). Chicago, Ill., Midway Apt. (TVOR).	2, 700 2, 500 2, 000 2, 000

^{1 2,500&#}x27;—Minimum terrain clearance altitude. 2 2,300'—Minimum terrain clearance altitude.

68. Section 610.6070 VOR Civil Arrway No. 70 is amended by adding:

From—	То—	Mini- mum alti- tude
Corpus Christi, Tex. (VOR). Lake Charles, La. (VOR). Lafayette, La. (VOR).	Palacios, Tex. (VOR)_ Lafayette, La. (VOR)_ Baton Rouge, La. (VOR).	'

69. Section 610.6072 VOR Civil Airway No. 72 is amended to read:

From	То	Mini- mum alti- tude
Vandalia, Ill. (VOR) Hindsboro (INT), Ill Perrysville (INT), Ind	Hindsboro (INT), III. Perrysville (INT), Ind. Lafayette, Ind.	2, 200 1 3, 700
Lafayette, Ind. (VOR). Findlay, Ohio (VOR). Carey (INT), Ohio	(VOR). Kokomo (INT), Ind. Carey (INT), Ohio Cleveland. Ohio	2, 000 2, 200 2, 100 2, 000
Cleveland, Ohio (VOR). Brecksville, Ohio	(VOR). Chagrin Falls (INT), Ohio. Chagrin Falls (INT),	3, 000 2, 500
(FM). Chagrin Falls (INT), Ohio.	Onio (East-bound only). Youngstown, Ohio (VOR).	2, 500
Youngstown, Ohio (VOR). Hadley (INT), Pa Hickory (INT), Pa	Hadley (INT), Pa Hickory (INT), Pa Bradford, Pa. (VOR).	2, 500 4, 000 4, 000
Bradford, Pa. (VOR). Elmira, N. Y. (VOR). Binghamton, N. Y. (VOR).	Elmira, N. Y. (VOR). Binghamton, N. Y. (VOR). Sidney (INT), N. Y.	4, 500 3, 500 3, 500
Sidney (INT), N. Y	Albany, N. Y. (VOR)	4, 500

- 1 2,200'—Minimum terrain clearance altitude. 2 4,000'—Minimum reception altitude. 3 5,000'—Minimum reception altitude. 4 3,500'—Minimum crossing altitude at Sidney (INT), asthound. eastbound.

70. Section 610.6076 VOR Civil Arrway No. 76 is amended to read in part:

From—	То	Mini- mum alti- tude
San Angelo, Tex. (VOR). Brady (INT), Tex Lake Travis (INT), Tex.		2 4, 500 2 4, 500 3, 000

^{1 5,000&#}x27;—Minimum reception altitude.
2 3,500'—Minimum terrain clearance altitude.

71. Section 610.6084 VOR Civil Airway No. 84 is amended to read.

From	То	Mini- mum alti- tude
Bradford, Ill. (VOR) Joliet, Ill. (VOR) Pullman, Mich. (VOR). Lansing, Mich. (VOR).	Joliet, Ill. (VOR)Chicago, Ill. Midway Apt. (TVOR). Lansing, Mich. (VOR). Flint (INT), Mich	2,000 2,000 2,300 2,400

72. Section 610.6088 VOR Civil Arrway No. 88 is amended to read:

From—	То-	Mini- mum alti- tude
Vichy, Mo. (VOR) Centralia, Ill. (VOR) Scotland, Ind. (VOR). Sanders (INT), Ind Dayton, Ohio (VOR)	Centralia, Ill. (VOR). Scotland, Ind. (VOR). Sanders (INT), Ind Dayton, Ohio (VOR). Mansfield, Ohio (VOR).	1 3, 000 2 3, 000 2, 000 1 3, 700 2, 500

^{1 2,500&#}x27;—Minimum terrain clearance altitude. 2 2,100'—Minimum terrain clearance altitude.

73. Section 610.6090 VOR Civil Airway No. 90 is amended to delete:

From-	То	Mini- mum alti- tude
Lansing, Mich. (VOR) Howell (INT), Mich Milford (INT), Mich	Howell (INT), Mich. Milford (INT), Mich. Detroit, Mich. (VOR).	2, 900 3 4, 400 2, 300

^{1 4,000&#}x27;—Minimum reception altitude.
2 2,500'—Minimum terrain clearance altitude.

74. Section 610.6091 VOR Civil Arrway No. 91 is amended by adding:

From—	То	Mini- mum alti- tude
Glens Falls (INT), N. Y.	Albany, N. Y. (VOR). (southbound only).	3,000

75. Section 610.6092 VOR Civil Airway No. 92 is amended by adding:

From—	То	Mini- mum alti- tude
Chicago Heights, Ill.	Goshen, Ind. (VOR)	2, 100
(VOR). Goshen, Ind. (VOR) Bryan (INT), Ohio	Bryan (INT), Ohio Waterville, Ohio (VOR),	3, 000 2, 000
Wheeling, W. Va. (VOR).	Pittsburgh, Pa. (VOR).	2, 500

76. Section 610.6096 VOR Civil Airway No. 96 is amended by adding:

From—	То	Mini- mum alti- tude
Waterville, Ohio (VOR). Rockwood (INT), Ont., Canada.	Rockwood (INT), Ont., Canada. Belle (INT), Ont., Canada.	3 2, 300 2 3 3,700

77. Section 610.6097 VOR Civil Airway No. 97 is amended to read:

From—	То	Mini- mum alti- tude
Miami, Fia. (VOR) Cypress (INT), Fla Seminole (INT), Fla Arcadia (INT), Fla Tampa, Fla. (VOR) Shrimp (INT), Fla Tampa, Fla. (VOR), via E alter. Cross City Fla (VOR), via E alter. Tallahassee, Fla. (VOR), Knoxville, Tenn. (VOR). Richmond (INT), Ky. Lexington, Ky. (VOR). Georgetown (INT), Ky. Cincinnati, Ohio (VOR). Acton (INT), Ind Cincinnati, Ohio (VOR), via E or Walter. Indianapolis, Ind (VOR). Rossyille (INT), Ind	(VOR). Acton (INT), Ind Indianapolis, Ind. (VOR). Indianapolis, Ind. (VOR), via E or W alter. Rossville (INT), Ind.	1, 3000 2, 2, 500 4, 5, 000 1, 500 6, 000 7, 2, 000 1, 500 1, 500 1, 500 2, 300 2, 300 2, 300 2, 300 2, 300 2, 300
Newland (INT), Ind Chicago Heights, Ill.	Chicago Heights, Ill. (VOR). Janesville, Wis.	2,000 2,300
Janesville, Wis. (VOR).	Lone Rock, Wis.	3, 100
Janesville, Wis.(VOR)	(VOR). Argyle (INT), Wis., via Walter.	2, 200
via W alter. Argyle (INT) Wis., via W alter.	Lone Rock, Wis. (VOR), via Walter.	2, 40
Lone Rock, Wis.	La Crosse, Wis. (VOR)	2, 50
La Crosse, Wis. (VOR) _ Wabasha (INT), Wis	Wabasha (INT), Wis_ Minneapolis, Minn. (VOR).	2, 60 2, 50

^{1 2,500&#}x27;—Minimum reception altitude.
2 1,100'—Minimum terrain clearance altitude.
3 1,000'—Minimum reception altitude.
5 1,200'—Minimum terrain clearance altitude.
6 6,000'—Minimum reception altitude.
7 1,400'—Minimum terrain clearance altitude.
7 1,400'—Minimum terrain clearance altitude.
8 3,000'—Minimum terrain clearance altitude.
9 2,000'—Minimum terrain clearance altitude.

78. Section 610.6098 VOR Civil Arrway No. 98 is amended to read.

From—	То	Mini- mum alti- tude
Fort Wayne, Ind. (VOR). Deorfield (INT), Mich. Mich. Carleton, Mich. (VOR). Essex (INT), ² Ont. Canada.	Deerfield (INT), Mich. Carleton, Mich. (VOR). Essex (INT), Ont. Canada. Tilbury (INT), Ont. Canada.	2, 600 2, 000 2, 300 3 2, 300

 ^{1 2,300&#}x27;—Minimum terrain clearance altitude.
 2 3,700'—Minimum reception altitude.
 3 For that airspace over U. S. territory.

From—	То	Mini- mum alti- tude
Tilbury (INT), Ont. Canada. Blue Pike (INT), Mich. Erie, Pa. (VOR)	Blue Pike (INT), Mich. Erie, Pa. (VOR) Elmira, N. Y. (VOR).	2,300 4 6,000

^{4 4.500&#}x27;---Minimum terrain clearance altitude.

79. Section 610.6099 VOR Civil Airway No. 99 is amended to delete:

From—	To		Mini- mum alti- tude
Lafayette, La. (VOR)	Baton Rouge, (VOR).	La.	1, 200

80. Section 610.6103 VOR Civil Arrway No. 103 is amended to delete:

From—	То	Mini- mum alti- tude
Pendleton, Oreg. (VOR). Lamar (INT), Wash	Lamar (INT), Wash Spokane, Wash. (VOR).	4, 000 5, 000

81. Section 610.6112 VOR Civil Arrway No. 112 is amended by adding:

From-	То	Mini- mum alti- tude
Pendleton, Oreg. (VOR). Lamar (INT), Wash	Lamar (INT), Wash Spokane, Wash (VOR).	4, 000 5, 000

82. Section 610.6115 VOR Civil Arrway No. 115 is amended by adding:

From—		То		Mini- mum alti- tude
Birmingham, (VOR).	Ala.	Chattanooga, (VOR).	Tenn.	4,000

83. Section 610.6116 VOR Civil Arrway No. 116 is amended to read in part:

From— To— ma	
	fini- num alti- ude
Peoria, III. (LFR) Joliet, III. (VOR) Joliet, III. (VOR) Naperville, III. (VOR) V(VOR) Pullman, Mich. (VOR) Leslie (INT), Mich. Salem, Mich. (VOR) Belle (INT), Mich. Riverside (INT), Mich. Tilbury (INT), Ont. Canada. Tilbury (INT), Ont. Canada. Bue Pike (INT), Salem, Mich. (VOR) Signal (Signal (Signa) (Signal (Signal (Signal (Signal (Signal (Signal (Signal (Signa)	2, 000 2, 000 2, 000 3, 500 2, 500 2, 300 2, 300 2, 300 4, 000 2, 300

 ^{3,700&#}x27;—Minimum reception altitude.
 2,300'—Minimum terrain clearance altitude.
 For that airspace over U. S. territory.

^{1 3,000&#}x27;—Minimum reception altitude.-2 3,000'—Minimum terrain clearance altitude. 3 3,700'—Minimum reception altitude. 4 4,500'—Minimum reception altitude. 5 For that airspace over U. S. territory. 6 2,300'—Minimum terrain clearance altitude.

84. Section 610.6126 VOR Civil Airway No. 126 is amended to read:

From—	То—	Mini- mum alti- tude
City (INT), Ill	Chicago Heights, Ill.	2,000
0103 (11117), 11111111111111111111111111111111	(VOR).	_,
Chicago Heights, Ill. (VOR).	Goshen, Ind. (VOR)	2, 100
Goshen, Ind. (VOR)	Bryan (INT), Ohio	3,000
Bryan (INT), Ohio	Waterville, Ohio	2,000
21,411 (21, 1), 02100000	(VOR).	_,
Waterville, Ohio	Cleveland, Ohio	2,000
(VOR).	(VOR).	0 500
Cleveland, Ohio (VOR).	Perry (INT), Ohio	2, 500
Perry (INT), Ohio	Kingsville (INT), Pa.	2,300
Kingsville (INT), Pa	Erie, Pa. (VOR)	2,000
Erie, Pa. (VOR)	Bradford, Pa. (VOR)	4,000
Bradford, Pa. (VOR)	Stonyfork (INT), Pa.	4,500
Stonyfork (INT), Pa	Grover (INT), Pa	2 5,000
Grover (INT), Pa	Colley (INT), Pa	2 5, 000
Colley (INT), Pa	Wilkes-Barre-Scran-	4, 500
Wilkes-Barre-Scranton,	ton, Pa. Branchville (INT),	3, 500
Pa. (VOR).	N.J.	3,000
Branchville (INT),3	Paterson (INT), N.J.	3,000
N. J.	, , , , , , , , , , , , , , , ,	,

- 1 5,000'—Minimum reception altitude.
 2 4,500'—Minimum terrain clearance altitude.
 3 4,000'—Minimum reception altitude.

85. Section 610.6128 VOR Civil Arrway No. 128 is amended by adding:

From—	То	Mini- mum alti- tude
Chicago, Ill. Midway Apt. (TVOR). Peotone, Ill. (VOR). Lafayette, Ind. (VOR). Horton (INT), Ind Rushville(INT), Ind Greensboro, N. C. (VOR), via N alter. Reid (INT), J. N. C., via N alter.	Peotone, Ill. (VOR) Lafayette, Ind. (VOR). Horton (INT), Ind. Rushville (INT), Ind. Cincinnati, Ohio (VOR). Reid (INT), I. C., via N alter. Raleigh, N. C. (VOR), via N alter.	2, 300 1 3, 000 2, 200 2 4, 000 2, 300 2, 300 3, 500

- 1 2,000'—Minimum terrain clearance altitude. 2 2,300'—Minimum terrain clearance altitude. 3 3,500'—Minimum reception altitude.

86. Section 610.6129 VOR Civil Airway No. 129 is amended by adding:

From—	То—	Mini- mum alti- tude
Polo, Ill. (VOR)Argyle (INT), WisLone Rock, Wis. (VOR).	Argyle (INT), Wis. Lone Rock, Wis. (VOR). La Crosse, Wis. (VOR).	2, 200 2, 400 2, 500

87. Section 610.6133 VOR Civil Airway No. 133 is amended to read:

From—	То	Mihi- mum alti- tude
Parkersburg, W. Va. (VOR). Mansfield, Ohio (VOR). Peru (IN'T), Ohio Middle (INT), Mich Detroit River (INT), Mich. Salem, Mich. (VOR)	Mansfield, Ohio (VOR). Peru (INT), Ohto Middle (INT), Mich Detroit River (INT), Mich. Salem, Mich. (VOR) Flint (INT), Mich	2, 500 2, 500 1 2, 500 1 2, 500 2, 300 2, 500

^{1 2,000&#}x27;-Minimum terrain clearance altitude.

88. Section 610.6140 VOR Civil Arrway No. 140 is amended by adding:

From—	То	Mini- mum alti- tude
Dyersburg, Tenn. (VOR), via Salter. Graham, Tenn. (VOR), via Salter.	Graham, Tenn (VOR), via Salter. Nashville, Tenn. (VOR), via Salter.	2, 000 2, 500

89. Section 610.6144 VOR Civil Arrway No. 144 is amended by adding:

From—	То	Mini- mum alti- tude
Chicago, Ill. Midway	Peotone, Ill. (VOR)	2, 300
Peotone, Ill. (VOR) Shelby (INT), Ind	Shelby (INT), Ind	2,000
shelby (11v 1), Ind	Fort Wayne, Ind. (VOR).	1 4, 000
Fort Wayne, Ind. (VOR).	Findlay, Ohio (VOR).	2, 200
Findlay, Ohio (VOR)	Mansfield, Ohio (VOR).	2, 500
Mansfield, Ohio (VOR)	Bowerstown (INT),	2, 500
Bowerstown (INT), Ohio.	Wheeling, W Va.	3, 000
Wheeling, W Va. (VOR)	Morgantown, W. Va.	4,000
Springfield (INT), Va	Washington, D. C. (TVOR).	1,800
	,	<u> </u>

- 1 2,000'-Minimum terrain clearance altitude.
- 90. Section 610.6146 VOR Civil Arrway No. 146 is amended to read in part:

From—	То		Mini- mum alti- tude
Bradley (INT), Conn	Woodstock Conn.	(INT),	1 3, 500

- 1 2,500'-Minimum terrain clearance altitude.
- 91. Section 610.6148 VOR Civil Arrway No. 148 is amended to read in part:

From-	То	Mini- mum alti- tude
Thurman, Colo.(VOR)	Colo. and 225° rad.	5, 900
Int. 077° rad. Akron, Colo. and 225° rad. Imperial, Nebr.	Imperial, Nebr. Imperial, Nebr. (VOR).	5, 600

92. Section 610.6152 VOR Civil Airway No. 152 is amended by adding:

From—	То	Mini- mum alti- tude
Tampa, Fla. (VOR), via S alter. Lakeland, Fla. (VOR),. via S alter.	Lakeland, Fla. (VOR), via S alter. Orlando, Fla. (VOR), via S alter.	1, 500 1, 500

93. Section 610.6171 VOR Civil Airway No. 171 is added to read.

From—	То—	Mini- mum alti- tude
Louisville, Ky. (VOR)	Mitchell (INT), Ind.	² 3, 000
Mitchell (INT), Ind	Scotland, Ind. (VOR).	2, 000

¹ 3,000'—Minimum reception altitude. ² 2,600'—Minimum terram clearance altitude.

From—	То	Mini- mum alti- tude
Scotland, Ind. (VOR)	Terre Haute, Ind.	2, 000
Terre Haute, Ind. (VOR).	Peotone, Ill. (VOR)	2,000
Peotone, Ill. (VOR) Joliet, Ill. (VOR) Janesville, Wis. (VOR).	Joliet, III. (VOR) Janesville, Wis. (VOR) Mendota (INT), Wis.	2,000 3,000 2,400

- 3 2,100'-Minimum terrain clearance altitude.
- 94. Section 610.6172 VOR Civil Airway No. 172 is added to read.

From—	То	Mini- mum alti- tude
Iowa City, Iowa (VOR). Moline, Ill. (VOR). Iowa City Iowa (VOR), via N alter. Big Rock (INT), Iowa, via N alter. Polo, Ill. (VOR) Glen Ellyn (INT), Ill	Moline, Ill. (VOR)	2, 000 2, 200 2, 000 1 3, 000 2, 000 2 3, 000 2, 500

- ¹ 2,000'—Minimum terrain clearance altitude. ² 2,500'—Minimum terrain clearance altitude.
- 95. Section 610.6175 VOR Civil Airway No. 175 is added to read:

From-	То—	Mini- mum alti- tude	
Vichy, Mo. (VOR)	Wilton (INT), Mo	2, 200	
Wilton (INT), Mo	Columbia, Mo. (VOR)	2, 600	

96. Section 610.6176 VOR Civil Airway No. 176 is added to read.

From—	То	Mini- mum alti- tude
Farmington, Mo. (VOR). Centralia, Ill. (VOR)	Centralia, Ill. (VOR) - Scotland, Ind. (VOR) -	2, 400

- 1 2,100'-Minimum terrain clearance altitude.
- 97. Section 610.6177 VOR Civil Arrway No. 177 is added to read:

From-	То	Mini- mum alti- tude
Naperville, Ill. (VOR)	Woodstock (INT), Ill_	2, 200
Woodstock (INT), Ill.	Janesville, Wis. (VOR)	2, 000

98. Section 610.6178 VOR Civil Airway No. 178 is added to read:

From—	То-	Mini- mum alti- tude
Farmington, Mo. (VOR), via Salter.	Paducah, Ky. (VOR).	2, 400

99. Section 610.6179 VOR Civil Airway No. 179 is added to read:

From-	То	Mini- mum alti- tude
Paducah, Ky. (VOR)	Centralia, Ill. (VOR).	2, 000

100. Section 610.6181 VOR Civil Airway No. 181 is added to read:

From—	То	Mini- mum alti- tude
Sioux Falls, S. Dak. (VOR).	Watertown, S. Dak. (VOR).	3, 000

101. Section 610.6183 VOR Civil Airway No. 183 is added to read.

From-	То	Mini- mum alti- tude
Santa Barbara, Calif. (VOR). Sunset (INT), Calif	Bakersfield, Calif. (VOR). Bakersfield, Calif. (VOR) (inbound only).	9,000

102. Section 610.6184 VOR Civil Airway No. 184 is added to read.

From—	То	Mini- mum alti- tude
Erie, Pa. (VOR)	Hallton (INT), Pa	1 5, 000
Hallton (INT), Pa	Philipsburg, Pa.	4, 000

^{1 4,000&#}x27;-Minimum terrain clearance altitude.

103. Section 610.6187 VOR Civil Airway No. 187 is added to read.

From-	То	Mini- mum alti- tude
Papı (INT), Ill	Taylor (INT),1 Wis	2 3, 000

^{3,000&#}x27;—Minimum reception altitude.
2,000'—Minimum terram clearance altitude.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U.S. C. 551)

These rules shall become effective March 15, 1955.

F B. LEE. Administrator of Civil Aeronautics.

[F R. Doc. 55-1608; Filed, Feb. 25, 1955; 8:45 a. m.1

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A-Alaska

[Circular 1901]

PART 79—TIMBER

SMALL SALES OF TIMBER FOR USE IN ALASKA

Sections 79.15 to 79.31, inclusive, are repealed and the following is substituted

therefor, to take effect 60 days after full sale value—may be required before date of approval.

Sec.

79.15 Definitions.

Lands from which timber may be sold. 79.16

79.17 Appraised prices.

Application; who may purchase.

Cash deposit. 79.19 79 20 Permits.

Amendment of permit. 79.21

79.22 Subsequent claim subject to timber application.

79.23 Revocation of permit.

79.24 Removal of personal property upon termination of permit.

79.25 Appeals.

AUTHORITY: §§ 79.15 to 79.25 issued under sec. 11, 30 Stat. 414, as amended; 48 U.S.C.

(a) "Bureau" Definitions. § 79.15 means Bureau of Land Management.

(b) "Authorized Officer" means the Bureau official who has been authorized to issue a permit for the disposal of timber on public lands in Alaska, and to supervise and take action in regard to such permit.

(c) "Sale value" means the value of the stumpage sold under permit from

the area.

8 79.16 Lands from which timber may be sold. Timber may be sold from vacant public lands in Alaska, and from withdrawn public lands in Alaska when permitted by the order of withdrawal.

Cross References: For timber sales in Alaska not authorized by this part, see Part 259 of this chapter. For timber sales on school sections reserved for the Territory of Alaska, see § 76.1 of this chapter. For timber sales for export, see §§ 79.33 to 79.41.

Appraised prices. No sales may be made below the appraised prices established by the Area Administrator.

Application, who may pur-§ 79.18 chase. (a) An application to purchase timber should be submitted on Form 4-023 which may be obtained from any office of the Bureau in Alaska. The application should be filed in the land office for the district in which the timber desired is situated, or in any forestry office of the Bureau in Alaska. It must be accompanied by a deposit in accordance with § 79.19.

(b) The application may be made by an individual, a partnership, an unincorporated association, or a corporation organized under the laws of the United States, or of a State or Territory thereof. and authorized to transact business in

§ 79.19 Cash deposit. (a) If the estimated sale value of the timber applied for equals or exceeds \$25, the application must be accompanied by a deposit of \$25, or 15 percent of the estimated sale value, whichever is the greater. If the estimated sale value is less than \$25, a deposit representing the full estimated sale value must be made.

(b) The deposit may be in the form of cash, a money order, cashier's check, certifled check, or personal check made payable to the Bureau of Land Management. At the discretion of the authorized officer, larger deposits-up to the

the permit is issued.

(c) In the discretion of the authorized officer, a performance bond may be required of not less than 25 percent of the sale value. Upon satisfactory completion of the permit the bond, if in cash or securities will be returned to the permittee, and if in the form of a surety bond will be cancelled.

(d) After a permit is issued, the minimum deposit is not returnable, even if no timber has been cut. Where the value of the timber to be cut exceeds the amount of the deposit, the deposit will be credited as partial payment against the total sale value.

(e) Additional payments shall be made by the permittee at the request of the authorized officer, or when the value of the timber cut equals the amount of the deposit plus previous payments. The computed volume, based on an inventory of stumps made by the authorized officer shall be prima facie evidence in establishing the volume of forest products cut by the permittee.

§ 79.20 Permits. (a) A permit to cut and remove timber will be issued on Form 4-023. The authorized officer may in his discretion, reject the application, or he may amend or otherwise limit thhe area, species, products, or volume applied for or add such additional provisions and conditions which, in his opinion, are required by sound forest practices, provided the applicant consents. If the applicant refuses consent his deposit will be refunded. Notice of Permit to Cut Timber, Form 4-023a, must be posted in a conspicuous place on the land, before any timber is cut.

(b) Permits will be valid for one year unless an extension is granted. Extensions will be granted only on a showing that the permittee, because of matters beyond his control, was unable to cut and remove the timber within the life of the permit and that the interests of the Government will not be prejudiced by the extension.

(c) Where, after the issuance of a permit and before the timber covered thereby is cut and removed the timber is destroyed or damaged, in whole or in part, without fault on the part of the permittee or his agent, the authorized officer, in his discretion, may grant the permittee relief by the amendment of the permit to include an equivalent value of other timber.

§ 79.21 Amendment of permit. The original permit may be amended at any time during the permit year with the consent of the permittee. For example, the permit volume might be increased to meet additional requirements of the permittee.

§ 79.22 Subsequent claim subject to timber application. When a valid homestead, mining or other claim is initiated on public land subsequent to the issuance of a permit to cut timber and the posting on the land of Notice of Permit to Cut Timber (Form 4-023a) such subsequent claimant's rights are subject to the right of the timber applicovered by the permit.

§ 79.23 Revocation of permit. A permit may be revoked for failure of the permittee to comply with the provisions of these regulations, or with the terms of the permit. If cutting is being done in violation of the terms of the permit, any authorized officer of the Bureau may order the cutting stopped, revoke the permit, and demand such additional payment for the timber as may be due the Government.

§ 79.24 Removal of personal property upon termination of permit. (a) Upon termination of a permit the permittee shall have the right at any time within 60 days thereafter to remove his equip-

cant to cut and remove the timber ment, improvements, or other personal property from the Government land, provided all charges due the United States under the permit have been paid. The authorized officer, in his discretion, may grant requests for a reasonable extension. Any improvements, equipment. or personal property remaining on the Government land after the time for removal has expired shall become the property of the United States.

(b) Improvements needed by the permittee for the severance, extraction, or removal of other Government-owned materials under existing contracts or permits may be left on the Government land for such period and under such terms as may be prescribed by the authorized officer.

§ 79.25 Appeals. A party aggrieved by any official action involving his application or permit may appeal to the Director, Bureau of Land Management, and from the Director to the Secretary of the Interior, pursuant to the rules of practice contained in Part 221 of this chapter.

Note: The record keeping or reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

> DOUGLAS McKAY. Secretary of the Interior

FEBRUARY 18, 1955.

[F R. Doc. 55-1682; Filed, Feb. 25, 1955; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [7 CFR Part 937]

[AO-264]

CELERY GROWN IN FLORIDA

NOTICE OF HEARING WITH RESPECT TO PRO-POSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047) and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.0 et seq.) notice is hereby given of a public hearing to be held in the Florida Room, Florida Citrus Building, Winter Haven, Florida, beginning at 10:00 a.m., e. s. t., March 28, 1955, with respect to a proposed marketing agreement and order authorizing regulation of the handling of celery grown in the State of Florida. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the provisions of a marketing agreement and order hereinafter set forth, or appropriate modifications thereof.

Growers and shippers in the State of Florida as represented by the Florida Fruit and Vegetable Association requested a hearing on the following proposed marketing agreement and order authorizing regulation of the handling of celery in the proposed production area.

DEFINITIONS

§ 937.1 Secretary. "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

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§ 937.2 Act. "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq., 68 Stat. 906, 907, 1047)

§ 937.3 Person. "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 937.4 Production area. "Production area" means the entire State of Florida.

§ 937.5 Celery. "Celery" means all varieties of celery grown within the production area.

§ 937.6 Variety. "Variety" or "varieties" means and includes all classifications or subdivisions of celery according to definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 937.7 Handle. "Handle" or "ship" means to harvest, package, sell, or transport celery within the production area or between the production area and any point outside thereof.

§ 937.8 Handler "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of celery owned by another person) who handles celery or causes celery to be handled.

\$ 937.9 "Producer" or Producer "grower" means any person who is engaged in the production of celery for market.

§ 937.10 Grade and size. "Grade" means any one of the established grades of celery as defined and set forth in the United States Standards for Celery (§§ 51.560 to 51.581 of this title) or amendments thereto, or modifications thereof, or variations based thereon, and "size" means the number of celery stalks which may be packed in a container of fixed size and capacity, as approved by the Secretary pursuant to the methods set forth in this part.

§ 937.11 Grading. "Grading" is synonymous with "preparation for market" and means the sorting or separation of celery into grades, sizes, and packs for market.

§ 937.12 Container "Container" means a crate, bag, box, basket, package, bulk load, or any other unit, used in the packaging, transportation, sale, shipment, or other handling of celery the size, capacity weight, dimensions, or pack of which is fixed pursuant to methods approved by the Secretary upon recommendation of the committee.

§ 937.13 Pack. "Pack" or "packs" means the manner in which stalks of celery may be placed in a container or containers.

§ 937.14 Fiscal period. "Fiscal period" means the period beginning August 1 and ending July 31 following.

§ 937.15 Committee. "Committee" means the administrative committee. called the Florida Celery Committee, established pursuant to § 937.25.

§ 937.16 District, "District" means each of the geographic divisions of the production area initially established pursuant to § 937.27, or as reestablished pursuant to § 937.28.

§ 937.17 Field. "Field" means a well delineated plot of cultivated land upon which celery is grown.

§ 937.18 Block. "Block" means a row or an uninterrupted series of rows of celery of the same variety which were planted in a particular field during the same period.

§ 937.19 Available supply of celery. "Available supply of celery" means the linear feet of rows of unharvested celery of a particular variety ready for harvest for shipment during a particular prorate period.

§ 937.20 Allotment. "Allotment" means the amount of celery which may be handled by any and all handlers during specific prorate periods.

§ 937.21 Prorate period. "Prorate period" means the period or periods of time recommended by the committee and approved by the Secretary during which allotments of celery may be established.

§ 937.22 Export. "Export" means shipment of celery beyond the boundaries of continental United States.

COMMITTEE

§ 937.25 Administrative committee.
(a) The Florida Celery Committee consisting of 9 producer members, is hereby established as the administrative committee. For each member of such committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a member or alternate of the committee shall be an individual who is a producer, or an officer or employee of a corporate producer, in and a resident of the production area.

§ 937.26 Term of office. (a) The term of office of members and alternates of the committee shall be for one year and shall begin as of August 1 and end as of July 31.

(b) Such members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 937.27 Districts. For the purpose of determining the basis of selecting committee members and alternates, the following districts of the production area are hereby initially established.

District No. 1 or South Florida District. The Counties of Martin, Dade, Broward, Collier, Monroe, Lee, Charlotte, St. Lucle, Okee-chobee, Highlands, Indian River, Glades, Hendry, and Palm Beach.

District No. 2 or Florida West Coast District. The Counties of Sarasota, De Soto, Hardee, Pinellas, Pasco, Polk, Manatee, and Hillsborough.

District No. 3 or Central and North Florida District. All the remaining counties in Florida not included in Districts 1 and 2.

§ 937.28 Redistricting. The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of committee members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in celery acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts (c) the equitable relationship of committee membership and districts: (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 937.29 Selection. The Secretary shall select 3 members, with alternates, from District No. 1, 2 members, with alternates, from District No. 2, and 4 members, with alternates, from District No. 3, to serve on the committee.

§ 937.30 Nomination. The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers shall be held in each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to July 10 of each year, after the effective date of this subpart.

(b) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee. The producer in each district who produced during the past season the largest amount of celery among all producers in such district and who elects to vote therein may designate two such nominees for a member and two such nominees for an alternate. At such meetings other eligible voters may ballot to indicate the ranking of their choice among the nominees.

(c) Nominations for committee members and for alternates, other then initial members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15, of each year.

(d) In the event a person is engaged in producing celery in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees.

(e) Regardless of the number of districts in which a person produces celery each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the district in which he elects to vote.

§ 937.31 Failure to nominate. If nommations are not made within the time and in the manner specified in § 937.30, the Secretary may, without regard to nominations, select the members and alternates of the committee, which selection shall be on the basis of the representation provided for in § 937.29.

§ 937.32 Acceptance. Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 937.33 Vacancies. To fill vacancies in the committee, the Secretary may select such members or alternates from

unselected nominees on the respective current nominee lists from the district involved, or from nominations made in the manner specified in § 937.30. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in § 937.29.

§ 937.34 Alternate members. An alternate shall act in the place and stead of the respective committee member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 937.35 Procedure. (a) Six members of the committee shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be promptly confirmed in writing: *Provided*, That if any assembled meeting is held, all votes

shall be cast in person.

§ 937.36 Expenses and compensation. Committee members and alternates may be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part.

§ 937.37 *Powers*. The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms:

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) to recommend to the Secretary amendments to this part.

§ 937.38 Duties. (a) It shall be the duty of the committee:

(1) At the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary to select subcommittees of committee members, and to adop't such rules and regulations for the conduct of its business as it may deem advisable;

(2) To act as intermediary between the Secretary and any producer or han-

(3) To furnish to the Secretary such available information as he may request:

(4) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person,

(5) To prepare a marketing policy.

(6) To recommend marketing regulations to the Secretary:

(7) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both,

- (8) To investigate an applicant's claim for exemption;
- (9) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;
- (10) At the beginning of each fiscal period, to prepare a budget of committee expenses for such fiscal period, together with a report thereon:
- (11) To cause committee books to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request:
- request;
 (12) To prepare and maintain, in cooperation with handlers, an accurate map or diagram for each field of celery by grower designation and by blocks;
- (13) To provide an adequate system for determining the total crop of each variety of celery, and to make such determinations, including determinations by grade and size, as it may deem necessary or as may be prescribed by the Secretary in connection with the administration of this part;
- (14) To investigate compliance with respect to any regulation pursuant to this part applicable to handling of celery or harvesting celery for shipments;
- (15) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

- § 937.40 Expenses. The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for the maintenance and functioning of the committee, and for such purposes as the Secretary pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period or such portion or portions thereof as the committee may recommend and the Secretary approve as a representative period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of celery handled by him as the first handler thereof during the fiscal period or representative period and the total quantity of celery handled by all handlers as first handlers thereof during such fiscal period or representative period.
- § 937.41 Budget. At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.
- § 937.42 Assessments. (a) The funds to cover the committee's expenses shall

- be acquired by the levying of assessments upon handlers as provided in this subpart. During any period in which handling of celery is regulated pursuant to this part each handler who first handles celery shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.
- (b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.
- (c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all handling of celery which is regulated under this part and which is handled by the first handler thereof during such fiscal period.
- § 937.43 Accounting. (a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.
- (b) The report of the audit which the committee is required to have made at least once each fiscal period shall show the receipts and expenditures of funds collected pursuant to this part. A copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers.
- (c) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property or records for which they are responsible. Whenever any person ceases to be a member of the committee, or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.
- (d) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall

- act as trustee or trustees for the committee.
- § 937.44 Refunds. At the end of each fiscal period or other representative period used by the committee as a basis for seasonal accounting, momes arising from the excess of assessments over expenses shall be accounted for as follows:
- (a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or
- (b) The Secretary upon recommendation of the committee may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for the committee's operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary such reserve may be used upon termination of this part to liquidate the affairs of the committee: Provided, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of such liquidation shall to the extent practical be returned upon a pro rata basis to all persons from whom such funds were collected.

REGULATION

- § 937.50 Marketing policy. (a) Prior to or at the same time as recommendations are made pursuant to § 937.51, a marketing policy deemed desirable for the industry to follow in handling celery during the ensuing marketing period shall be developed by the committee. In developing such marketing policy the committee shall give due consideration to the following:
- (1) Estimates by districts and by prorate periods of the available supply of celery by varieties or groupings thereof, by grade, size, and quality in the production area, and similar supply estimates for celery in competing area,
- (2) Estimated shipments by prorate periods for the current season of celery from each district and from competing areas:
- (3) Estimated supplies of competing commodities;
- (4) Current and prospective marketing prices and marketing conditions for Florida celery including prices by grades, sizes, quality and packs, and similar estimates for competing areas;
- (5) Estimates of harvesting and marketing costs and charges for celery grown in Florida,
- (6) The level and trend of consumer income;
- (7) Marketing conditions affecting celery prices; and
- (8) Other factors pertinent to celery marketing.
- (b) The marketing policy shall be reported to the Secretary by the committee. Additional reports shall be submitted from time to time if requested by

the Secretary or if it is deemed advisable by the committee, to adopt a new marketing policy because of changes in the demand and supply situation with respect to celery Such reports shall set forth. (1) Estimates of the total crop of each variety, or groups thereof, available for shipment during the season or respective portions thereof and estimates of the proportion of such crop which should be shipped during such season, (2) the proposed regulations which may be recommended by the committee during such season, or respective portions thereof, and the justification therefor. and (3) the estimates and other data set forth in and considered pursuant to paragraph (a) of this section.

(c) The committee shall notify producers and handlers of the contents of each such report by publishing a summary thereof in such newspapers of general circulation in each district as the

committee may select.

§ 937.51 Recommendations for requlations. The committee, upon complying with the requirements of § 937.50, may recommend to the Secretary regulations authorized in this part whenever it finds that such regulations will tend to effectuate the declared policies of the act. The committee may also recommend amendment, modification, termination, or suspension of any regulation issued under this part.

§ 937.52 Issuance of regulation. The Secretary shall regulate the handling of celery whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may.

(a) Limit, in any or all portions of the production area, the handling of particular grades, sizes, quantities, or packs of any or all varieties of celery during any

period, or

- (b) Limit the handling of particular grades, sizes, qualities, or packs of celery differently for different varieties, for different stages of maturity for different portions of the production area, for different containers, for different purposes specified in § 937.60 or any combination of the foregoing during any period; or
- (c) Limit the handling of celery by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity or
- (d) Fix the size, weight, capacity dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, ship-ment, or other handling of celery or
- (e) Prohibit unfair methods of competition and unfair trade practices in the handling of celery or
- (f) Fix, or provide methods pursuant to §§ 937.53 and 937.54 for fixing, the total allotments of any or all varieties of celery that may be handled by each handler during a specified prorate period or periods.

§ 937.53 Prorate basis. handler who has celery available for handling during a specified prorate period or periods and who desires to handle such celery during such prorate periods, shall submit to the committee a written application for a prorate base and for allotments as provided in this part. Such applications and supporting information shall be submitted at such time, in such manner, and in such form as the committee shall designate pursuant to rules and regulations approved by the Secretary pursuant to § 937.56.

(b) For each prorate period during the marketing season when volume regulation has been or is likely to be recommended for a particular variety of celery the committee, upon receipt of applications for prorate bases and allotments with accompanying reports and information from handlers, shall compute the available supply of celery of such variety of each handler who has applied for prorate bases and for allotments. On the basis of such computations, the committee shall fix prorate bases for each handler who is entitled thereto. Each such prorate base shall represent the ratio between the available supply of celery of the particular variety of each applicant during a specified prorate period or periods and the total available supply of celery of the same variety of all such applicants during the same prorate period or periods. The committee shall notify the Secretary of each prorate base fixed for each handler and shall notify each such handler of each prorate base fixed for him.

§ 937.54 Allotments. (a) The Secretary upon the basis of recommendations by the committee or other available information, shall fix the total volume of any or all varieties of celery which may be handled during any specified prorate period or periods, and whenever the Secretary so fixes such quantity that may be handled, the committee shall calculate the quantity of each such variety of celery that may be handled by each handler during such prorate period or periods. The said quantity shall be the allotment of such handler and shall be in an amount equivalent to the product of the prorate base for such handler for a particular variety of celery and the total volume of the same variety fixed by the Secretary as the total volume of such variety which may be handled during such prorate period or periods. Each allotment for each handler shall be designated by varieties in terms of linear feet of rows of celery that may be harvested. The committee shall give reasonable notice to each handler of the allotment computed for him pursuant to this part.

(b) Celery may be harvested by any handler pursuant to an allotment only from such rows which are contained in the fields and blocks specified in the applicable approved report filed by such handler which shows his available supply of celery for such specified prorate period. Such celery shall be harvested from the same relative location in each row of each block within each field, or from consecutive complete rows except that the last rows cut in each block or field may be fractions of rows to complete the total of linear feet of rows of celery specified in an individual allotment.

(c) Celery contained in any handler's reported available supply of celery for a particular prorate period and not included in the allotment, as aforesaid, for such period shall remain unharvested until a certificate of compliance has been issued by a designated agent of the committee with respect to such unharvested celery None of such unharvested celery may thereafter be harvested for shipment unless all handlers' unharvested celery originally contained in reports of available supply of celery for a particular prorate period is authorized by the Secretary to be harvested for shipment. The Secretary may issue such authorization upon recommendation of the committee or upon other available information.

§ 937.55 Modification of allotments. (a) Each handler who gives written or telegraphic notice to the committee that such handler will not, during a current prorate period, harvest for shipment all or a portion of the celery included in his allotment for such prorate period, may withdraw his application for such allotment or portion thereof. All such celery which is not harvested for shipment, as aforesaid, may thereafter be included in such handler's report of his available supply of celery for any subsequent prorate period; and an application based thereon for a prorate base and an allotment may be made for such prorate period. In the event of allotments during such subsequent period for the variety which was withdrawn, as aforesaid, the prorate base for such withdrawn celery for such subsequent prorate period shall be five (5) percentage points lower than. the prorate base which applies to such variety for such prorate period.

(b) Each handler who gives written or telegraphic notice to the committee that such handler desires, during a particular prorate period, to harvest for handling a quantity of a particular variety of celery in excess of his allotment for such prorate period may exceed his allotment on the following conditions in addition to those set forth in § 937.54 (b) (1) The total number of linear feet of rows of such variety of celery which such handler desires to harvest for shipment shall be included in the aforesaid notice and shall be identified by field, block, and row and (2) the prorate base for such total number of linear feet of rows shall be five (5) percentage points lower than the prorate base which applies to such variety for such prorate period.

§ 937.56 Reports. (a) The committee, with approval of the Secretary may request handlers for reports and information which are necessary and incidental to the operation of this part. Each handler so requested pursuant hereto shall submit such reports and information to the committee. Such reports may include, but not be limited to estimates by handlers, in such form and at such times as the committee finds necessary of the quantities of celery available for handling or handled during specific periods by each reporting han-

- (b) The committee may prescribe, with approval of the Secretary, through rules and regulations, the type of reports, the times when such reports shall be submitted, and the information which shall be submitted by handlers with respect to the celery which they own or control. Such reports may be requested weekly if found necessary but not more often, in the case of regulation by prorate periods. Maps or diagrams of fields and blocks of celery by variety by time of planting, by time of prospective harvest, and by the amount harvested during specific periods, by grade, size, and quality as well as other reports and information necessary and incidental to the operation of this part, may be requested as parts of handlers' reports.
- (c) All reports, including reports of available supply of celery submitted by handlers, and all requests for allotment, shall be subject to inspection, correction of errors, and approval by the committee.
- § 937.57 Notice. (a) The committee shall give notice to all handlers of each meeting to consider recommendation of regulation pursuant to § 937.51. Such notice shall contain a direction to handlers to make the application required by § 937.53 (a) whenever the committee contemplates recommending regulation pursuant to § 937.52 (f) Such notice shall be given in adequate time prior to the meeting for handlers to receive such notice, and the adequate time shall be determined pursuant to the rules and regulations authorized by § 937.56 (b) as approved by the Secretary
- (b) The committee shall promptly give notice of any recommendation for regulations pursuant to § 937.52 (f) at least forty eight (48) hours before the recommended effective time of the proposed regulation by forwarding a copy of such recommendation to each handler who has filed his address with the committee for this purpose.
- (c) Prior to the beginning of each regulation issued pursuant to § 937.52, the Secretary shall notify the committee of the regulation issued and such committee shall promptly give notice thereof to all handlers and also shall forward a copy thereof to each handler who has filed his address for that purpose with the committee.
- § 937.58 Minimum quantities. The committee, with the approval of the Secretary may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued or effective pursuant to §§ 937.42, 937.52, 937.60, 937.65, or any combination thereof.
- § 937.59 Research and development. The committee may investigate from time to time and assemble data on the growing, harvesting, shipping, and marketing conditions with respect to celery, and, upon approval of the Secretary may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of celery.

§ 937.60 Shipments for special purposes. Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 937.42, 937.52, 937.58, 937.65, or any combination thereof, in order to facilitate handling of celery for the following purposes:

- (a) For grading within the production area,
 - (b) For export:
 - (c) For relief or for charity or
- (d) For other purposes which may be specified by the committee, with the approval of the Secretary.
- § 937.61 Safeguards. (a) The committee, with the approval of the Secretary may prescribe adequate safeguards to prevent shipments pursuant to §§ 937.58 or 937.60 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:
- (1) Handlers shall file applications with the committee to handle celery pursuant to §§ 937.58 and 937.60 or
- (2) Handlers shall obtain inspection provided by § 937.65, or pay the assessment levied pursuant to § 937.42, or both, in connection with handling pursuant to § 937.60 or
- (3) Handlers shall obtain Certificates of Privilege from the committee for handling of celery under the provisions of §§ 937.58 and 937.60.
- (b) The committee may rescind Certificates of Privilege, or deny such certificates to any handler, if proof is obtained that celery handled by him was handled contrary to the provisions of this part.
- (c) The Secretary shall have the right to modify change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.
- (d) The committee shall make reports to the Secretary as requested, showing the number of applications for such certificates, the quantity of celery covered by such applications, the number of such applications denied and certificates granted, the quantity of celery handled under duly issued certificates, and such other information as may be requested.

INSPECTION

- § 937.65 Inspection and certification.
 (a) During any period in which the handling of celery is regulated pursuant to §§ 937.42, 937.52, 937.60, or any combination thereof, no handler shall handle celery unless such celery is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, and is covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 937.58, or § 937.60, or both.
- (b) Regrading, resorting, or repacking any lot of celery shall invalidate any prior inspection certificates insofar as

the requirements of this section are concerned. No handler shall handle celery after it has been regraded, resorted, repacked, or in any other way further prepared for market, unless such celery is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When celery is inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXCEPTIONS

§ 937.70 Procedure. The committee may adopt, with approval of the Secretary the procedures pursuant to which certificates of exemption will be issued to producers for the purpose of obtaining equitable treatment under regulation issued pursuant to § 937.52.

§ 937.71 Granting exemptions. The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee, that by reason of a regulation issued pursuant to § 937.52 he will be prevented from handling as large a proportion of his celery as the average proportion handled during the entire season, or such portion thereof as may be determined by the committee, of all producers' celery in said applicant's immediate production area and the grade, size, or quality of the applicant's celery crop has been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handling of such quantity of celery as may be specified thereon. Such certificate shall be transferred with such celery at the time of transportation or sale.

§ 937.72 Investigation. The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 937.73 Appeal. If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 937.74 Records. (a) The committee shall maintain a record of all appli-

cations submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of celery covered by such exemption certificates, a record of the amount of celery handled under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary

(b) The Secretary shall have the right to modify change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 937.70 through 937.73.

MISCELLANEOUS PROVISIONS

§ 937.80 Compliance. Except as provided in this subpart:

(a) No handler shall handle celery, the handling of which has been prohibited in accordance with the provisions of this part; and

(b) No handler shall handle celery during any prorate period in which a regulation issued by the Secretary pursuant to § 937.52 (f) is in effect, unless such celery is covered by an allotment or modification thereof.

§ 937.81 Reports. Upon request of the committee, made with the approval of the Secretary every handler shall furnish to such committee, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for in this subpart) such other information as will enable the committee to perform its duties and to exercise its powers under this subpart.

§ 937.82 Right of the Secretary. The members of the committee (including successors and alternates) and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval the disapproved action of said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 937.83 Effective time. The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ 937.84 Termination. (a) The Secretary may at any time, terminate the provisions of this subpart by giving at least one (1) day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds, by referendum or otherwise, that such termination is favored by the majority of the producers who, during such representative period as may be determined by the Secretary have been engaged in the production of celery for market: Provided, That such majority has, during such representative period, produced for market more than fifty (50) percent of the volume of celery produced for market within the area, but such termination shall be effective only if announced on or before June 30 of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 937.85 Proceedings after termination. (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of said committee, of all funds and property then in the possession of or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination. The rules of procedure governing the activities of said joint trustees, including but not being limited to the determination as to whether action shall be taken by a majority vote of the joint trustees, shall be prescribed by the Secretary

(b) The said trustees (1) shall continue in such capacity until discharged by the Secretary: (2) shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the joint trustees, to such person as the Secretary may direct; and (3) shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property and claims vested in the committee or the joint trustees pursuant to this subpart.

(c) Any person to whom funds, property or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said joint trustees.

§ 937.86 Effect of termination or amendment. Unless otherwise expressly provided by the Secretary the termination of this subpart or any regulation issued pursuant to this subpart or the issuance of any amendments to either. thereof, shall not (a) affect or waive any right, duty obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart or (c) affect or impair any rights or remedies of the Secretary

or of any other person with respect to any such violation.

§ 937.87 Duration of immunities. The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 937.88 Agents. The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 937.89 Derogation. Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable,

§ 937.90 Personal liability. No member or alternate of the committee, nor any employee thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty

§ 937.91 Separability. If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 937.92 Amendments. Amendments to this subpart, may be proposed, from time to time, by the committee or by the Secretary

§ 937.93 Counterparts. This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 937.94 Additional parties. After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting part at the time such counterpart is delivered to the Secretary and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.¹

§ 937.95 Order with marketing agreement. Each signatory handler favors and approves the issuance of an order,

¹ Applicable only to the proposed marketing agreement.

by the Secretary regulating the handling of celery in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 23d day of February 1955.

[SEAL]

ROY W LENNARTSON, Deputy Administrator

[F R. Doc. 55-1699; Filed, Feb. 25, 1955; 8:50 a. m.]

[7 CFR Part 961]

[Docket No. AO 160-A16]

HANDLING OF MILK IN PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MAR-KETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900) a public hearing was conducted at Philadelphia, Pennsylvania, on January 4 and 5, 1955, pursuant to notice thereof which was issued on December 28, 1954 (19 F R. 9425)

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service on January 28, 1955, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision with respect to certain issues, and an opportunity to file written exceptions thereto. This recommended decision was published in the Federal Register on February 2, 1955 (20 F R. 704)

The material issues, findings and conclusions, and general findings of the recommended decision (F R. Doc. 55-955, 20 F R. 704) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein, subject to the following changes:

After the third full paragraph beginning in the second column (20 F R. 706) add the following two paragraphs:

Producers, in their exceptions contended that if published market information is to give a complete picture of the supply situation, it should reveal whether handlers are taking on non-producer milk for Class II use at the same time as they are refusing producer milk.

It is not clear, however, that publication of the names of operators of non-producer milk plants supplying only Class II milk, and the location of these plants, is necessary to give adequate information as to the supply situation. The market administrator currently

publishes information as to the total volume of nonproducer milk received at producer milk plants, and the volume of such nonproducer milk allocated to Class I utilization.

Rulings on exceptions. In arriving at the findings and conclusions contained in this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

Determination of representative period. The month of December 1954 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision issued at Washington, D. C., this 21st day of February 1955.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order ¹ Amending the Order as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area

§ 961.0 Findings and determinations. The findings and determinations here-inafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued

amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

- (a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:
- (1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act:
- (2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the said order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and
- (3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

- 1. In § 961.40 (b) delete subparagraph (3) and substitute the following:
- (3) For the months of March, April. May and June 1955, in the case of milk, skim milk, or butterfat used in the manufacture of butter, Cheddar cheese, Baker's or any other cheese except cream or cottage cheese, evaporated milk, nonfat dry milk, milk chocolate, or in soup, candy bakery products or any other nondairy commercial food product, or dumped or disposed of as animal feed, less any milk, butterfat, or equivalent of concentrated milk product received from a nonproducer plant, the value shall be adjusted downward at the rate, applied to the total utilization during the month in such products, of 20 cents per hundredweight of such total quantity or 5

¹This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

quantity, whichever results in the greater aggregate adjustment.

- 2. In § 961.22, add paragraph (j) as follows:
- (j) Publicly announce the names of all handlers who operate nonproducer milk plants which supply Class I milk to producer milk plants, and the location of such nonproducer milk plants.

F R. Doc. 55-1701; Filed, Feb. 25, 1955; 8:51 a. m.]

[7 CFR Part 989]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

SCHEDULE OF PAYMENTS TO HANDLERS FOR RECEIVING, STORING, AND HANDLING RE-SERVE AND SURPLUS TONNAGE RAISINS

Notice is hereby given that the Secretary of Agriculture is considering the approval of a proposed amendment submitted by the Raisin Administrative Committee, of the schedule of payments to handlers for receiving, storing, and handling of reserve and surplus tonnage raisins, as amended (19 F R. 3217, § 989.202), issued pursuant to the applicable provisions of Marketing Agreement No. 109 and Marketing Order No. 89 (7 CFR, 1953 Rev., Part 989) regulating the handling of raisins produced from raisin variety grapes grown in Califorma, effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the tenth day after the date of publication of this notice in the FEDERAL REG-ISTER, except that, if said tenth day after publication should fall on a legal holiday or Saturday or Sunday, such submission will be received by the Director not later than the close of business on the next following business day. The proposed amendment is as follows:

Further amend the provisions of § 989.202 to read as follows:

§ 989.202 Schedule of payments to handlers for receiving, storing, and handling reserve and surplus tonnage raisins—(a) Payment for crop year of acquisition. Each handler shall be compensated at the rate of \$3.95 per ton (natural condition weight at the time of acquisition) for receiving, storing, and handling reserve and surplus tonnage raisins acquired during a particular crop year and held by him for the account of the committee during all or any part of the same crop year. Said rate of pay-ment shall apply with respect to each crop year, beginning with the crop year which began on August 15, 1953: Provided, That for the reserve tonnage of

cents per pound of butterfat in such total Sultana raisins acquired during the crop year which began on August 15, 1953, and which was disposed of by the committee prior to March 1, 1954, the rate of \$3.25 per ton (natural condition weight) shall apply The services for which handlers shall be compensated pursuant to this paragraph shall include all services of receiving, storing, and handling, other than those specified in paragraphs (d) and (e) of this section.

(b) Additional payment to handlers for surplus tonnage raisins held beyond the crop year which began on August 15, 1953. Each handler who, on August 15, 1954, held for the account of the committee surplus tonnage raisins acquired during the crop years which began on August 15, 1952, and August 15, 1953, respectively shall be compensated at the rate of \$1.80 per ton (natural condition weight) of such raisins held on September 30, 1954, for storing and handling during all or any part of the crop year which began on August 15, 1954, such raisins so acquired. The services for which handlers shall be compensated pursuant to this paragraph shall include all services of storing and handling, other than those specified in paragraphs (c) (d) and (e) of this section.

(c) Payment of rental on boxes containing 1952-53 or 1953-54 surplus pool raisins held on August 15, 1954. Each handler and each producer who furnished boxes in which 1952-53 or 1953-54 surplus pool raisins were held for the account of the committee on August 15, 1954, shall be compensated for the use of such boxes at the rate of 15 cents for each 160 pounds of raisins so held on September 30, 1954. Such compensation shall be for the use of the boxes through August 14, 1955, or through any earlier date on which the boxes may be released, but payment thereof may be made as soon as this amended schedule becomes effective.

(d) Payment of allowances for fumigation of reserve and surplus tonnage raisins held for the account of the committee during the 1954-55 crop year Each handler shall be paid an allowance for fumigation of \$1.50 per ton of reserve and surplus tonnage raisins acquired during the crop year beginning August 15, 1954, and held by him for the account of the committee during all or any part of such crop year. Also, each handler who, on August 15, 1954, held for the account of the committee 1952-53 or 1953-54 surplus pool raisins shall be paid an allowance for fumigation of 30 cents per ton of such raisins so held on September 30, 1954. These payments of \$1.50 and 30 cents per ton shall be in full compensation to handlers for any costs which may be incurred by them through August 14, 1955, to protect such pool tonnage raisins held for the account of the committee against the increased hazard of possible insect infestation, and such handlers shall fumigate the raisins as frequently as necessary to maintain them in proper condition.

(e) Payment for other services. In addition to the payments provided in paragraphs (a) (b) (c) and (d) of this section, handlers shall be compensated for other services performed with respect

to reserve and surplus tonnage raising as follows:

(1) The committee may negotiate with any handlers for transporting reserve or surplus tonnage raisins, but such transportation shall not include that of delivering such raisins from producers to the handlers' premises at which they are held for the account of the committee. Payment for such transportation shall be in an amount based on prevailing haulage rates for the type of transportation required.

(2) A handler who accepts an offer by the committee to pack reserve or surplus tonnage raisins for its account shall be compensated for such packing in an amount determined by the committee, which amount shall be specified in the offer. Such payments shall be with respect to each offer to handlers for contract packing, and the factors to be considered shall include, but not be limited to, the particular varietal type of raisins to be packed, the particular pack or package required, and the quality of the raisins to be packed. The amount of any such payment shall apply uni-•formly to all handlers who accept all or part of their respective pro rata shares of any such offer.

_ Issued this 23d day of February 1955.

[SEAL]

S. R. SMITH. Director

Fruit and Vegetable Division.

[F R. Doc. 55-1719; Filed, Feb. 25, 1955; 8:53 a. m.]

[7 CFR Part 1002]

[Docket No. AO-268]

HANDLING OF MILK IN WHEELING, W VA.-STEUBENVILLE AND EAST LIVERPOOL, OHIO, MARKETING AREA

SUPPLEMENTAL NOTICE OF HEARING ON PRO-POSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing (notice of which was issued January 5, 1955; 20 F R. 219) was held in Wheeling, West Virginia, on February 8-17. 1955, on a proposed marketing agreement and order to regulate the handling of milk in the Wheeling, West Virginia-Steubenville and East Liverpool, Ohio, marketing area. On February 17, 1955, the hearing was recessed by the Hearing Examiner to reconvene March 15, 1955.

Notice is hereby given that the hearing will be reconvened at the Assembly Room, Harrison County Courthouse, Clarksburg, West Virginia, beginning at 10 a. m., e. s. t., on March 15, 1955. At this reconvened hearing evidence will also be taken on the proposals listed below. Since these proposals expand the territory under consideration additional evidence will be received with respect to all provisions of the proposed regulation including whether (1) the handling of milk in the area proposed to be regulated

is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce, (2) the issuance of a marketing agreement or order regulating the handling of milk in the area is justified, and (3) the provisions specified in the proposals or some other provisions, appropriate to the terms of the Agricultural Marketing Agreement Act, will best tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. All evidence adduced at the hearing, including the previous sessions thereof, will be considered in deciding whether one order or separate orders regulating all or a part of the areas proposed would tend to effectuate the declared policy of the act.

By Greenbrier Dairy Products Division, Beatrice Foods Co., Beckley West Virginia.

Proposal No. 1. In the consideration of any regulation that might be applied to the Clarksburg, West Virginia, area, the following modifications should be made in the marketing agreement and order recommended by the Dairymen's Cooperative Sales Association as proposal No. 1 in the notice of hearing issued January 5, 1955.

- (a) The marketing area shall include all the territory located within the boundaries of the following counties in the State of West Virginia. Harrison, Marion, Monongalia, and Taylor.
- (b) Definitions shall include provisions defining exempt milk, emergency milk and custom bottled milk.
- (c) Classification and pricing shall be on a two-class basis.
- (d) Allocation section should provide for emergency milk and exempt milk.
- (e) Net obligation of handlers and payment to producers shall be on an individual-handler basis.
- (f) Any order issued as the result of this hearing should include miscellaneous provisions, such as: Termination of obligation, effective time, suspension or termination, continuing power and duty of the Market Administrator, liquidation after suspension or termination, agents, separability of provisions; and any other provisions necessary to issue an appropriate order in the event the Secretary determines an order is necessary and in accordance with section 608c (9) (b) of the act.

By Home Dairy Clarksburg, West Virginia, Imperial Ice Cream Division, Fairmont Foods Co., Clarksburg and Fairmont, West Virginia, and Pratt and Wilson, Clarksburg, West Virginia.

Proposal No. 2: The marketing area should include the following counties in the State of West Virginia. Doddridge, Lewis, Upshur, Barbour, Taylor, Harrison, Marion, Monongalia, Preston, Tucker, and Randolph.

No. 40-5

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 24, 1955, Washing-ton, D. C.

[SEAL] ROY W LENNARTSON,

Deputy Administrator

[F R. Doc. 55-1732; Filed, Feb. 25, 1955; 8:54 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 1]

AIRCRAFT IDENTIFICATION MARKINGS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of amendments to Part 1 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board. attention Bureau of Safety Regulation. Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by June 1, 1955. Copies of such communications will be available after June 6, 1955, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

It has been brought to the attention of the Bureau that some difficulty has been experienced in complying with the provisions of Part 1 of the Civil Air Regulations which specify the method of marking aircraft for identification purposes.

Because of the small markings on the vertical surfaces of civil aircraft, military aircraft are presently obliged to fly dangerously close to civil aircraft in order to identify them when in restricted areas. Identification in such instances is made by flying beside the civil aircraft rather than by flying above or below it, since the latter procedures are considered too dangerous. Larger markings either on the fuselage side surfaces or, when practicable, on the vertical tail surfaces would increase the safety of identification in restricted areas and at the same time aid control tower operators in traffic control.

Bottom wing and bottom fuselage markings are difficult to read unless the aircraft is directly overhead and at a

low altitude. The upper wing marking is of value only when the viewer is above the aircraft and is of use infrequently For these reasons the Bureau is of the opinion that if larger markings are displayed on the fuselage side, or vertical tail surfaces, the present Civil Air Regulation requirements for wing markings on fixed-wing aircraft and bottom fuselage markings on rotorcraft can be deleted without adversely affecting identification. Where the configuration of a particular rotorcraft would not permit the application of identification marks as proposed, the marking would be in accordance with rules prescribed by the Administrator.

Attention has been called to a number of instances where United States citizens have sold United States registered aircraft to citizens of foreign countries who have operated these aircraft without removing the United States identification marks. In order to correct this situation it is believed that the regulations should be amended to require the removal of United States identification marks on aircraft before their delivery to citizens of foreign countries.

In order to accomplish the foregoing. notice is hereby given that it is proposed to amend Part 1 of the Civil Air Regulations to require that on newly manufactured aircraft, and on all other aircraft when recovered or refinished, but in no case later than January 1, 1960, identification marks be displayed horizontally either on the fuselage side or vertical tail surfaces in the case of fixed-wing aircraft and on the fuselage side of rotorcraft. Fuselage marks shall be at least 12 inches high or one-quarter the depth of the fuselage at the place of marking, whichever is greater. If marks are placed on the vertical tail surfaces, they shall be at least 12 inches high.

It is also proposed to amend Part 1 to require that when an aircraft of United States registry is sold to a citizen of a foreign country the United States identification marks must be removed from such aircraft prior to its delivery to the purchaser.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated: February 18, 1955, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
Director

[F R. Doc. 55-1723; Filed, Feb. 25, 1955; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Evanston 021178]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 21, 1955.

The hereinafter-described lands were segregated to the use and benefit of the State of Wyoming pursuant to the provisions of section 4 of the act of August 18, 1894 (28 Stat. 422; 43 U. S. C. sec. 641) as amended, commonly known as the Carey Act. The lands not having been reclaimed as required by the Carey Act and water not having been made available for their irrigation, the segregation has been canceled.

SIXTH PRINCIPAL MERIDIAN

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T. 30 N., R. 111 W.,
Sec. 1, Lots 2, 3, 4, S½NE¼, S½NW¼, S½, Sec. 2, all;
Sec. 3, Lots 1, 2, 3, 4, S½NE¾, S½NW¼,
N½SW¼, SE¼,
Sec. 9, SE¼NE¾, NE¼SE¼,
Sec. 10, NE¼NE¾, S½NE¾, S½NW¼,
S'2,
Sec. 11, all;
Sec. 12, NW¼NE¾, W½,
Sec. 13, NE¼, N½NW¼, SE¼NW¼,
Sec. 15, NE¾NE¾, N¼NW¼, SE¼NW¼,
Sec. 16, NE¾NE¾, SE¼SW¼,
Sec. 16, W½SW¼, SE½SW¼,
Sec. 16, E½SE¼,
Sec. 22, NE¾NE¾, S½NE¼, E½SW¼,
SE½,
Sec. 23, N½, SW¼, W½SE¼, SE¼SE¼,
Sec. 26, W½NE¾, SE¾NE¾, W½, SE¼,
Sec. 27, NE¾, E½NW¼, SE¼NE¾, Sec. 26, W½NE¾, SE¼NE¾, Sec. 27, NE¾, E½NW¼, Sec. 34, E½, E½NW¼, E½SW¼,
Sec. 34, E½, E½NW¼, E½SW¼,
Sec. 35, all.
7,195.75 acres in the aggregate.
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No application for these lands may be allowed under the homestead, small tract, desert-land, or other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application upon consideration of an application.

The lands vary from relatively flat to sloping foothill levels, the major portion running from 5 percent to 10 percent in slope. Soil varies from heavy saline to sandy loam interspersed with gravel. The heavier soils show alkali on the surface. This type of soil would probably be limited to irrigated pasture production if water were available. The sandy and gravelly soils would be suitable for the production of hay. Precipitation in the area averages from 10 to 14 inches of moisture a year, mostly in the form of snow.

At 10:00 a. m. on the 35th day after the date of this order the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) Ninety-one day period for preference-right filings. For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the home-

stead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U.S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U.S. C. 279-284), as amended, including Carey Act entrymen under the act of February 14, 1920 (41 Stat. 407: 43 U.S. C. 644) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a.m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a.m. on the said 35th day shall be considered in the order of filing.

(b) Date for non-preference-right fil1193. Commencing at 10:00 a.m. on the
126th day after the date of this order,
126th day selection, selection, or other ap126th or other appropriation by the public generally as
126th day after the date of this order, shall be
126th day after the date of this order, shall be
126th day.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Cheyenne, Wyoming, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and ap-

plications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Cheyenne, Wyoming.

> W G. GUERNSEY, Associate Director

[F R. Doc. 55-1681; Filed, Feb. 25, 1955; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4773]

NORTHWEST AIRLINES, INC.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the application of Northwest Airlines, Inc. for suspension or elimination of service at Jamestown,. North Dakota.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned for March 3 is postponed to March 15, 1955. This argument will be held at 10:00 a.m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 23, 1955.

[SEAL]

FRANCIS W BROWN, Chief Examiner

[F. R. Doc. 55-1724; Filed, Feb. 25, 1955; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

PACIFIC TRANSPORT LINES, INC.

NOTICE OF APPLICATION

Notice is hereby given of the application of Pacific Transport Lines, Inc., seeking the written permission of the Maritime Administration under section 805 (a) Merchant Marine Act, 1936, 46 U. S. C. 1223, for the "SS Hongkong Transport" to perform an eastbound voyage with a full cargo of lumber, from the U. S. Pacific Coast to the U. S. Atlantic Coast, said voyage to commence approximately March 1, 1955.

Under the provisions of section 805 (a) the Maritime Administrator may not grant any such application if the Administrator finds it will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or that it will be prejudicial to the objects and policy of the act.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should notify the Maritime Administration on or before March

1, 1955, and should file petitions for leave to intervene in accordance with § 201.74 of the Federal Maritime Board/Maritime Administration's Rules and Procedure (18 F R. 3716)

In the absence of receipt of any such request for hearing and petition for leave to intervene, the Maritime Administrator will take such action with respect to the application as may be deemed appropriate.

Dated: February 24, 1955.

By order of the Deputy Maritime Administrator.

[SEAL]

A. J. WILLIAMS, Secretary.

[F R. Doc. 55-1772; Filed, Feb. 25, 1955; 9:32 a. m.1

Office of the Secretary

[Department Order 160]

CERTAIN BUREAUS AND OFFICES

REDELEGATION OF AUTHORITY WITH RESPECT TO DEVELOPMENT OF NATIONAL CIVIL DEFENSE PROGRAM

SECTION 1. Purpose. The purpose of this order is to redelegate authority to perform certain functions in connection with the Department's responsibility for assisting the Federal Civil Defense Administration in the development of the national civil defense program.

SEC. 2. General. .01 The provisions of section 201 (b) of the Federal Civil Defense Act of 1950 (64 Stat. 1248) authorize the Administrator of the Federal Civil Defense Administration to delegate. with the approval of the President, appropriate civil defense responsibilities to the several departments and agencies of the Federal Government.

.02 Under Federal Civil Defense Administration Delegation No. 2 of September 8, 1954, the Secretary of Commerce has been delegated certain authorities and responsibilities in furtherance of the national civil defense program.

- SEC. 3. Redelegation of authority. .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, authority is hereby redelegated to:
 - 1. The Bureau of Public Roads to:
- (1) Provide advice and guidance to State highway departments in the designation of State civil defense emergency highway routes;
- (2) Coordinate interstate and State designated civil defense highway systems to assure uniformity of designation for civil defense emergency purposes:
- (3) Plan a national program, develop technical guidance for States, and direct Federal activities concerning emergency clearance and restoration of highways, streets, and bridges in damaged areas; and
- (4) Provide technical guidance to States concerning highway traffic control problems which may be created during a civil defense emergency
- 2. The Office of Technical Services, Business and Defense Services Administration, to provide data and assist the

tial target areas.

3. The Bureau of the Census to:

(1) Collect and process data required by the Office of Technical Services, Business and Defense Services Administration, in accomplishing the assignment indicated in subsection 2 above; and

(2) Provide basic statistics and maps essential to the completion of Federal, State, and local civil defense operating plans.

4. The Bureau of Public Roads, the Office of Technical Services, Business and Defense Services Administration, and the Bureau of the Census:

- (1) During a civil defense emergency whenever needed to carry out the responsibilities as indicated hereunder, to employ additional personnel on a temporary basis without regard to the civil service laws and to incur such obligations on behalf of the United States as may be required to meet the civil defense requirements of an attack or of an anticipated attack; and
- (2) To disseminate such civil defense information as may be approved from time to time by the Federal Civil Defense Administration.
- .02 Each of the above units shall be responsible for exercising the authority redelegated to it by virtue of this order and for working with the Federal Civil Defense Administration on matters concerning the functions herein assigned to

SEC. 4. Execution of working agreements. In performing the functions described in section 3.02 of this order, the Bureau of Public Roads, the Office of Technical Services, Business and Defense Services Administration, and the Bureau of the Census are authorized to enter into working agreements with the Federal Civil Defense Administration, after obtaining the prior approval of the Assistant Secretary of Commerce for Administration.

SEC. 5. Effect on other orders. The provisions of this order shall be deemed consistent with Department Order No. 3 (Amended) of July 29, 1954, and Department Order No. 134 (Amended) of August 18, 1954. Any orders or parts of orders the provisions of which are inconsistent or in conflict with the provisions of this order are hereby amended or superseded accordingly.

Effective date: February 1, 1955.

SINCLAIR WEEKS, Secretary of Commerce.

[F R. Doc. 55-1680; Filed, Feb. 25, 1955; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

PROCEDURES AND METHODS FOR AWARDING LEASES FOR MINING OF URANIUM ON FEDERAL LANDS UNDER AEC CONTROL

NOTICE OF PUBLIC HEARING

Notice is hereby given that the United States Atomic Energy Commission will conduct a public hearing commencing at 9 a. m., m. s. t., on March 29, 30, and 31, 1955, in the Federal Courtroom, Post Office Building, Grand Junction, Colo-

States in conducting analyses of poten- rado, for the purpose of obtaining the views of all interested persons with respect to procedures and methods for awarding leases for the mining of uranium on Federal lands under the control of the Atomic Energy Commission.

Persons desiring to be heard should notify the Manager, Grand Junction Operations Office, Atomic Energy Commission, Grand Junction, Colorado, not later than March 25, 1955. Persons desiring to submit written statements should file them not later than March 31, 1955,

Dated at Washington, D. C., this 23d day of February 1955.

By the Commission.

K. D. Nichols. General Manager

[F R. Doc. 55-1726; Filed, Feb. 25, 1955; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6604]

BLACK HILLS POWER AND LIGHT CO.

NOTICE OF APPLICATION

FEBRUARY 17, 1955.

Take notice that on February 14, 1955, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Black Hills Power and Light Company, a corporation organized under the laws of the State of South Dakota and doing business in the States of Wyoming and South Dakota, with its principal business office at Rapid City South Dakota, seeking an order authorizing the issuance of such number of shares of Common Stock as will equal an aggregate offering price not in excess of \$300,000, computed on the basis of the market value of Applicant's Common Stock as determined from transactions or quotations in the overthe-counter market on a specified date within fifteen days prior to the date of filing with the Securities and Exchange Commission a letter of notification under Regulation A of the Securities Act of 1933. The Common Stock proposed to be issued will be offered to holders of the presently outstanding Common Stock pro rata according to their preemptive rights, with additional rights to such stockholders to subscribe for any shares not taken upon the exercise of the preemptive rights. The proceeds from the issuance and sale of the Common Stock will be used by Applicant for construction purposes; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 10th day of March 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY, Secretary.

[F R. Doc. 55-1683; Filed, Feb. 25, 1955; 8:47 a. m.]

IDocket No. G-36031

DEERFIELD PETROLEUM, INC.

NOTICE OF POSTPONEMENT OF HEARING

FEBRUARY 17, 1955.

Notice is hereby given that the hearing in the above-designated matter now scheduled for February 21, 1955, is hereby postponed to 10:00 a.m., e. s. t., March 21, 1955 in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL]

LEON M. FUQUAY, Secretary.

[F R. Doc. 55-1692; Filed, Feb. 25, 1955; 8:48 a. m.]

[Docket No. G-3833]

G. J. NEUNER

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 17, 1955.

Take notice that G. J. Neuner (Applicant) (an Individual) whose address is 2809 West 89th Street, Kansas City 13, Missouri, filed on September 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as heremafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced from the Hugoton Field, Kansas to Colorado Interstate Gas Company and Northern Natural Gas Company at 11 cents per Mcf, for transportation in interstate commerce for resale. The estimated annual rate of delivery is 9,988 Mcf to Colorado Interstate Gas Company and 427,838 Mcf to Northern Natural Gas Company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 16, 1955, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such application. Provided, however That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of March 1955. Failure of any party to appear at and participate in the hearing shall be construed as

waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F R. Doc. 55-1684; Filed, Feb. 25, 1955; 8:47 a. m.]

[Docket No. G-4278]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 17, 1955.

Take notice that Panhandle Eastern Pipe Line Company (Applicant) a Delaware corporation with its principal office at Kansas City Missouri, filed an application on October 18, 1954, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of necessary measuring and regulating facilities in connection with a new delivery point for the delivery of gas to Illinois Power Company (Illinois) to enable the delivery of volumes of gas up to 50 Mcf per day for resale in Georgetown.

Applicant states that Illinois is one of its largest customers and that the proposed delivery of natural gas for service to Georgetown is available out of existing contractual commitments between Applicant and Illinois Power Company.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 8, 1955, at 9:30 a.m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such application. Provided, however That the Com-mission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of March 1955.

[SEAL]

LEON M. FUQUAY, Secretary.

[F R. Doc. 55-1685; Filed, Feb. 25, 1955; 8:47 a. m.]

[Docket No. G-4675]

A. B. EDWARDS

NOTICE OF APPLICATION AND DATE OF HEARING.

FEBRUARY 17, 1955.

Take notice that A. B. Edwards (Applicant) an individual whose address is Farmerville, Louisiana, filed an application on November 3, 1954, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced from the Monroe Field, Louisiana, to Southwest Gas Producing Company at $3\frac{1}{2}$ cents per Mcf for transportation in interstate commerce for resale. The rate of delivery is 200 Mcf per day.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 18, 1955, at 9:30 a.m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 8, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in emission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F R. Doc. 55-1686; Filed, Feb. 25, 1955; 8:47 a. m.]

[Docket No. G-4967] JONES OIL AND GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING-

FEBRUARY 17, 1955.

Take notice that Jones Oil and Gas Company (Applicant) a West Virginia organization whose address is Harrisville, West Virginia, filed an application on November 18, 1955, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the

jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced in Ritchie County, West Virginia, to The Manufacturers Light and Heat Company at 20 cents per Mcf for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 18, 1955, at 9:50 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application. Provided, however That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 8, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F R. Doc. 55-1687; Filed, Feb. 25, 1955; 8:48 a. m.]

[Docket No. G-5121]

FRED GOODSTEIN

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 17, 1955.

Take notice that Fred Goodstein (Applicant) an individual whose address is 340 South Center Street, Casper, Wyoming, filed an application on November 19, 1954, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced from the Berthoud Field, Larimer County Colorado, to Colorado-Wyoming Gas Company at 10 cents per Mcf for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 18, 1955, at 9.40 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 8, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F R. Doc. 55-1688; Filed, Feb. 25, 1955; 8:48 a. m.]

[Docket No. G-5187]

M. L. BENEDUM

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 17, 1955.

Take notce that M. L. Benedum (Applicant) an individual, whose address is Benedum-Trees Building, Pittsburgh 22, Pennsylvania, filed on November 22, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant sells natural gas produced from the Hugoton Field, Haskell and Seward Counties, Kansas to Northern Natural Gas Company at 11 cents per Mcf, for transportation in interstate commerce for resale. The rate of delivery is the ratable take as established by the Kansas State Corporation Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 16, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters

involved in and the issues presented by such application: *Provided*, *however* That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of March 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

LEON M. FUQUAY, Secretary.

[F R. Doc. 55-1689; Filed, Feb. 25, 1955; 8:48 a. m.]

[Docket No. G-6060]

UNITED GAS PIPE LINE CO.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

United Gas Pipe Line Company (United) filed an application on December 9, 1954, for a certificate of public convenience and necessity authorizing United to render direct natural gas service to certain industrial consumers in Mobile County, Alabama. Supplements to the application were filed on January 3, 1955, and February 4, 1955. Due notice of the filing of the application has been given including publication in the Federal Register on January 14, 1955 (20 F R. 357)

United requested hearing under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. However, the application raises issues involving the public convenince and necessity which should be fully developed on the record in a formal hearing.

The Commission finds:

(1) This proceeding is not a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the Federal Register.

The Commission orders:

(A) The request that this proceeding be disposed of under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure be and the same hereby is denied.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on March 4, 1955, at 10:00 a.m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concern-

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issues presented by the application.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of said rules of practice and procedure.

Adopted: February 16, 1955. Issued: February 18, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, Secretary.

[F R. Doc. 55-1693; Filed, Feb. 25, 1955; 8:49 a. m.1

[Docket No. G-6818]

W E. BURCHETT

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 17, 1955.

Take notice that W E. Burchett (Applicant) an individual, whose address is Cherry Lawn Road, Huntington, West Virginia, filed on December 28, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced from an area located in the Waters of Broad Fork of Hatfield Branch of Blackberry Creek of Tug River in Pike County Kentucky to Columbian Fuel Corporation at 16 cents per Mcf for transportation in interstate commerce for resale. The rate of delivery is 3,000 Mcf per day.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 16, 1955 at 9.40 a.m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such application. Provided, however That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and pro-

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of March 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the

ing the matters involved in and the intermediate decision procedure in cases where a request therefor is made.

> LEON M. FUQUAY. ESEAT. I Secretary.

[F R. Doc. 55-1690; Filed, Feb. 25, 1955; 8:48 a. m.]

[Docket No. G-8487]

TRANSCONTINENTAL GAS PIPE LINE CORP ORDER SUSPENDING PROPOSED REVISED TAR-IFF SHEETS AND PROVIDING FOR HEARING

Transcontinental Gas Pipe Line Corporation (Transcontinental) on January 20, 1955 filed Eighth Revised Sheets Nos. 5, 12 and 16, Seventh Revised Sheets Nos. 9, 19 and 24, Sixth Revised Sheet No. 28-I. Fifth Revised Sheets Nos. 17-B and 17-F Fourth Revised Sheet No. 26-B, and Third Revised Sheet No. 28-P to its FFC Gas Tariff, Original Volume No. 1, proposing an increase in rates of \$2,176,000 or 3.3 per cent per annum, over and above the \$4,017,000 increase, which became effective subject to Transcontinental's undertaking, on February 1, 1955, Docket No. G-5258.

Transcontinetal states that the proposed increase is predicated upon increases in purchased gas costs resulting from the rate filings of five of its independent producers since November 23, 1954. The filings of two of the producers, Texas Gas Pipe Line Corporation and E. A. Courtney are for initial service expected to commence on or about April 1, 1955, and account for \$1,630,278 of the claimed increase. Two of Transcontinental's existing suppliers. Sunray Oil Corporation and Sun Oil Company who account for \$195,222 of the proposed increase, have rates under suspension in Dockets Nos. G-6822 and G-8288, respectively until February 1, 1955, and March 1, 1955, respectively. The re-maining supplier, Sohio Petroleum Company, who accounts for the balance of \$404,698 of the proposed increase, filed its application on January 20, 1955 for an increase in rates. Objections to the proposed increase in rates of Transcontinental have been filed by several purchasers and State commissions.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of the Natural Gas Act, concerning the lawfulness of the rates, charges and classifications contained in Transcon-tinental's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Eighth Revised Sheets Nos. 5, 12 and 16, Seventh Revised Sheets Nos 9, 19 and 24, Sixth Revised Sheet No. 28-I, Fifth Revised Sheets Nos. 17-B and 17-F Fourth Revised Sheet No. 26-B, and Third Revised Sheet No. 28-P and that said proposed tariff sheets and rates contained therein be suspended as hereinafter provided and the use thereof deferred pending hearing and decision thereon

The Commission orders:

(A) A public hearing be held, at a date to be set by notice of the secretary concerning the lawfulness of the rates, charges, classifications and services contained in Transcontinental's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Eighth Revised Sheets Nos. 5, 12 and 16, Seventh Revised Sheets Nos. 9, 19 and 24, Sixth Revised Sheet No. 28-I, Fifth Revised Sheets Nos. 17-B and 17-F Fourth Revised Sheet No. 26-B, and Third Revised Sheet No. 28-P

·(B) Pending such hearing and decision thereon, the proposed rates and charges contained in the revised tariff sheets referred to in (A) above, hereby are suspended and their use deferred until April 1, 1955, unless otherwise ordered by the Commission, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Transcontinental shall, on or before July 1, 1955, make refunds to its customers of such portion of the proposed increase which it does not incur as cost of gas purchased by virtue of the rates of one or more of its five suppliers not having become effective on or before April 1, 1955, with interest at the rate of 6 percent per annum on that portion of the proposed increase not incurred from the date of payment to Transcontinental until refunded. Should the rates of one or more of the five suppliers not become effective until subsequent to April 1, 1955, Transcontinental shall make such refunds periodically each three months and until such time as the rates of each of such suppliers become effective subject to refund or otherwise, with interest at the rate of 6 percent per annum on that portion of the proposed increase not incurred from the date of Transcontinental until payment to refunded.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: February 16, 1955.

Issued: February 18, 1955.

By the Commission.

[SEAL]

LEON M. FUQUAY, Secretary.

[F R. Doc. 55-1694; Filed, Feb. 25, 1955; 8:49 a. m.]

[Docket No. G-8488]

Somo Petroleum Co.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sohio Petroleum Company (Applicant) on January 20, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the dates shown:

Description.	Purchaser	Rate schedule designation	Effective date 1
Notice of change (undated) Letter dated Jan. 7, 1955	Transcontinental Gas Pipe Line Corp.	Supplement No. 18 to FPC gas rate schedule No. 26. Supplement No. 1 to supplement No. 18 to FPC gas rate schedule No. 26.	Feb. 20, 1955 Do.

¹ The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by applicant if later.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the use thereof deferred until March 20, 1955, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted. February 16, 1955.

Issued: February 18, 1955.

By the Commission.

[SEAL]

LEON M. FUQUAY, Secretary.

[F R. Doc. 55-1695; Filed, Feb. 25, 1955; 8:49 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATIVE OFFICER, REGION II (PHILADELPHIA)

REDELEGATION OF AUTHORITY TO EXECUTE LEGENDS ON BONDS, NOTES AND OTHER OBLIGATIONS

The Regional Administrative Officer, Region II, Philadelphia, Housing and Home Finance Agency, is hereby authorized within such Region to execute, on behalf of the Housing and Home Finance Administrator, in instances where necessary or appropriate, any legend appearing on any bond, note or other obligation being acquired by the Federal

Government from a local public agency on account of a loan to such local public agency pursuant to Title I of the Housning Act of 1949, as amended (63 Stat. 414–421, as amended, 42 U. S. C., 1952 ed. and Sup. I 1450–1460) which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note or other obligation and its payment therefor on the date specified in the particular legend.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947) Reorg. Order 1, 19 F R. 9303-5 (Dec. 29, 1954) 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950) 12 U. S. C., 1952 ed. 1701c; Delegation of Authority, 20 F R. 556 (Jan. 25, 1955)

Effective as of the 15th day of February 1955.

DAVID M. WALKER, Regional Administrator Region II.

[F R. Doc. 55-1718; Filed, Feb. 25, 1955; 8:53 a. m.]

DESIGNATION OF ACTING COMMUNITY FACILITIES COMMISSIONER

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN POWERS, RIGHTS AND DUTIES

The following named officials of the Office of the Administrator, Housing and Home Finance Agency are hereby designated to act in the place and stead of the Community Facilities Commissioner, with the title of "Acting Community Facilities Commissioner" and with all the powers, rights and duties vested in or assigned to the said Commissioner, in the event the Commissioner is unable to act by reason of his absence, illness or other cause, provided that the second official designated below shall have authority to act as "Acting Community Facilities Commissioner" only during the absence or disability of the first designated official.

1. Pere F Seward.

2. Taylor J. Chamberlain.

This designation supersedes the designation of Acting Commissioner, Community Facilties and Special Operations, effective September 1, 1953, published at 18 F R. 5375, 5376 (September 4, 1953)

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947) 62 Stat. 1283 (1948) as amended by 64 Stat. 80 (1950) 12 U. S. C., 1952 ed. 1701c)

Effective as of the 23d day of December 1954.

ALBERT M. COLE, Housing and Home Finance Administrator

[F R. Doc. 55-1737; Filed, Feb. 25, 1955; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3319]

MISSISSIPPI VALLEY GENERATING CO. ET AL.

ORDER DENYING PETITION FOR REHEARING

FEBRUARY 18, 1955.

In the matter of Mississippi Valley Generating Company Middle South Utilities, Inc., The Southern Company File 70-3319.

A petition for rehearing having been filed on February 14, 1955 by the State of Tennessee and a number of municipalities and state agencies as well as certain rural electric cooperatives requesting a rehearing by the Commission with respect to its findings and opinion and order issued on February 9, 1955, granting and permitting to become effective, subject to certain conditions and reservations of jurisdiction, a joint application-declaration filed pursuant to sections 6 (b) 9 (a) and 10 of the Public Utility Holding Company Act of 1935 (the "act") proposing the issuance and sale by Mississippi Valley Generating Company of new common stock and the acquisition of such stock by Middle South Utilities, Inc., and The Southern Company:

The applicants-declarants having filed a brief in opposition to the petition for rehearing:

The Commission having duly considered the petition for rehearing and the grounds set forth therein, and it appearing that said petition raises no issue of substance not previously presented to the Commission and considered in its findings and opinion of February 9, 1955 and the Commission being of the view that any problems which may arise under sections 6 (a) and 7 of the act out of the undertakings of the systems of Middle South Utilities, Inc. and The Southern Company with respect to the meeting of deficiencies, if any, in Mississippi Valley Generating Company's earnings for the satisfaction of annual service charges on its debt are not before it in these proceedings;

The Commission, having in the preparation of its aforesaid findings and opinion, which set forth in detail the factual data and reasons underlying its conclusions, fully considered the proposed findings heretofore filed by petitioners and having stated the Commission's views on all relevant and material matters dealt with in such proposed findings, hereby expressly disapproves such proposed findings to the extent that they are inconsistent with the views set forth in the Findings and Opinion and approves them to the extent that they are in accord therewith,

After due consideration the Commission finding that no adequate basis has been presented for granting the petition for rehearing:

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It is ordered, That the aforesaid petition for rehearing be, and it hereby is, denied.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F R. Doc. 55-1697; Filed, Feb. 25, 1955; 8:49 a. m.]

[File No. 70-3338]

CENTRAL AND SOUTH WEST CORP ET AL.

ORDER REGARDING ISSUANCE AND SALE OF SHARES OF COMMON STOCK BY REGISTERED HOLDING COMPANY AND RETIREMENT OF OUTSTANDING NOTES; ORDER REGARDING ISSUANCE AND SALE BY PUBLIC UTILITY SUBSIDIARIES AND ACQUISITION BY REGIS-TERED HOLDING COMPANY OF ADDITIONAL SHARES OF COMMON STOCK

FEBRUARY 21, 1955.

In the matter of Central and South West Corporation, Public Service Company of Oklahoma, Southwestern Gas and Electric Company Central Power and Light Company File No. 70-3338.

Central and South West Corporation ("Central") a registered holding company, and three of its public-utility subsidiaries, Public Service Company of Oklahoma ("Public Service") Southwestern Gas and Electric Company ("Southwestern") and Central Power and Light Company ("Power & Light"), have filed a joint application-declaration, and amendments thereto, with the Commission pursuant to sections 6, 7, 9, 10, and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42, U-43 and U-50 thereunder with respect to the following proposed transactions:

Central proposes to issue and sell, to or through underwriters or investment bankers who shall have agreed promptly to make a public offering thereof, 600,000 shares of its authorized and unissued common stock, par value \$5 per share, at competitive bidding pursuant to Rule U-50 of the rules and regulations promulgated under the act. The net proceeds to be received by Central from the sale of said 600,000 shares of common stock will be applied by Central to the prepayment, at the principal amount thereof, of \$9,750,000 principal amount of 3½ percent notes payable to banks and an insurance company due December 31, 1955, and to the purchase, from time to time during 1955, at the par value thereof, of additional shares of the common stock of Public Service, Southwestern and Power & Light of the aggregate par amount of \$8,000,000. Any additional amount that may be required by Central for the foregoing purposes will be supplied from funds in Central's treasury if and to the extent necessary, and any excess of said proceeds over approximately \$17,750,000 may be used by Central to purchase additional shares of the common stock of one or more of its four principal subsidiaries (subject to any requisite approval of the Commission under the act) or for general corporate purposes.

Public Service proposes to amend its Articles of Incorporation so as to increase from 3,000,000 to 4,000,000 the number of shares of its authorized common stock, par value \$10 per share, of which 3,000,000 shares are now outstanding; and Power & Light proposes to amend its Charter so as to increase from 3,197,300 to 3,497,300 the number of shares of its authorized common stock, par value \$10 per share, of which 3,197,-300 shares are now outstanding.

Public Service, Southwestern and Power & Light propose to issue and sell, from time to time during 1955 as funds are required by such companies for construction, and Central proposes to acquire, for cash at the par value thereof, additional shares of common stock as follows:

(a) Public Service, 300,000 shares, par value \$10 per share, for \$3,000,000;

(b) Southwestern, 200,000 shares, par value \$10 per share, for \$2,000,000; and (c) Power & Light, 300,000 shares, par

value \$10 per share, for \$3,000,000.

The record being incomplete with respect to the fees and expenses incurred, or to be incurred, and paid in connection with the transactions proposed herein, we will reserve jurisdiction over the payment of these fees and expenses.

The filing states that the Corporation Commission of the State of Oklahoma has jurisdiction over the issuance and sale by Public Service of additional shares of its common stock and that no other State Commission or Federal regulatory agency, other than this Commission, has any jurisdiction over the proposed transactions. No order of the Oklahoma Commission authorizing the sale of additional shares of common stock by Public Service has been filed with this Commission and, accordingly, the Order herein will be appropriately conditioned to require the filing of such an order.

Applicant-declarants have requested that timely action be taken by the Commission in this matter and that there be no waiting period between the issuance of the Commission's order herein and the effective date thereof.

Due notice of filing of said application-declaration having been given pursuant to the provisions of Rule U-23 promulgated under the act, and no hearing having been requested of, or ordered by the Commission; the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied; and that said application-declaration should be granted and permitted to become effective forthwith.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50, and to the further condition that Public Service Company of Oklahoma shall not issue or sell any additional shares of its common stock unless and until an appropriate order of the Corporation Commission of the State of Oklahoma with respect thereto shall have been filed herein.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over the payment of fees and expenses in connection with the transactions proposed herein.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F R. Doc. 55-1696; Filed, Feb. 25, 1955; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 30287]

GRAIN FROM BLAKELY, GA., TO MOBILE, ALA., AND NEW ORLEANS, LA., FOR EXPORT

APPLICATION FOR RELIEF

FEBRUARY 23, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved. Barley, corn, oats, rye, soybeans and wheat, in bulk, carloads.

From. Blakely Ga.

To: Mobile, Ala., and New Orleans, La., for export.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1325, supp. 76.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

George W Laird, Secretary.

[F R. Doc. 55-1702; Filed, Feb. 25, 1955; 8:51 a. m.]

[4th Sec. Application 30288]

GRAIN FROM TOPEKA JUNCTION, GA., TO MOBILE, ALA., AND NEW ORLEANS, LA.

APPLICATION FOR RELIEF

FEBRUARY 23, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below. Commodities involved. Barley, corn,

oats, rye, soybeans and wheat, in bulk, carloads.

From. Topeka Junction, Ga.

To: Mobile, Ala., and New Orleans, La., for export.

Grounds for relief Competition with rail carriers, circuitous routes, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1325, supp. 76.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD. Secretary.

[F R. Doc. 55-1703; Filed, Feb. 25, 1955; 8:51 a. m.]

[4th Sec. Application 30289]

BRICK AND REFRACTORIES FROM IOWA TO NORTH DAKOTA

APPLICATION FOR RELIEF

FEBRUARY 23, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The Minneapolis, St. Paul & Sault Ste. Marie Railroad Company, for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Brick and refractories, also drain tile, carloads.

From: Adel, Redfield, Ottumwa, Fort Dodge, Gypsum, Kalo and Lehigh, Iowa.

To: Specified points in North Dakota. Grounds for relief Rail competition, circuity and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Minneapolis, St. Paul & Sault Ste. Marie R. R. Co., I. C. C. No. 7403, supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their in-

take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emer-gency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD. Secretary.

[F R. Doc. 55-1704; Filed, Feb. 25, 1955; 8:51 a. m.]

[4th Sec. Application 30290]

SCRAP IRON AND STEEL FROM NORTH CAROLINA TO NORFOLK AND RICHMOND,

APPLICATION FOR RELIEF

FEBRUARY 23, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by The Atlantic Coast Line Railroad Company

Commodities involved: Scrap iron or steel, carloads.

From. New Bern, N. C., and points grouped therewith.

To: Norfolk and Richmond, Va.

Grounds for relief: Rail competition, circuity, competition with motor-rail carriers, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission. in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD. Secretary.

[F R. Doc. 55-1705; Filed, Feb. 25, 1955; 8:51 a. m.]

[4th Sec. Application 30291]

HIDES, PELTS OR SKINS FROM NEW ORLEANS, LA., TO ENDICOTT, N. Y.

APPLICATION FOR RELIEF

FEBRUARY 23, 1955.

The Commission is in receipt of the above-entitled and numbered application

haul provision of section 4 (1) of the terest, and the position they intend to for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved. Hides, pelts or skins, carloads.

From. New Orleans, La.

To: Endicott, N. Y.

Grounds for relief: Competition with rail carriers and competition with water, or water-rail carriers.

Schedules filed containing proposed rates: W P Emerson, Jr., Agent, I. C. C. No. 422, supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

GEORGE W LAIRD, [SEAL] Secretary.

[F R. Doc. 55-1706; Filed, Feb. 25, 1955; 8:51 a. m.]

[4th Sec. Application 30292]

CEMENT FROM POINTS IN ILLINOIS, IOWA, AND MISSOURI TO ILLINOIS TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 23, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by 'W J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Cement, car-

From. Chicago, Dixon and La Salle, Ill., Davenport and Linwood, Iowa, Hannibal, Marquette and St. Louis, Mo., and points grouped therewith.

To: Destinations in Illinois territory within radius of 240 miles of origin.

Grounds for relief. Rail competition, circuity competition with motor carriers (potential) market competition, to maintain grouping, and rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: W J. Pructer, Agent, I. C. C. No. A-3850, supp. 82.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by

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the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD, Secretary.

[F R. Doc. 55-1707; Filed, Feb. 25, 1955; 8:51 a. m.]

[4th Sec. Application 30293]

ROOFING AND BUILDING MATERIALS FROM ARKANSAS, LOUISIANA, OKLAHOMA AND TEXAS TO THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 23, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Roofing and building materials as described in item 400 of schedule listed below, in carloads.

From: Specified points in Arkansas, Louisiana, Oklahoma, and Texas.

To: Points in southern territory.

Grounds for relief. Rail competition, circuity market competition, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F C. Kratsmeir, Agent, I. C. C. No. 4148.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, Secretary.

[F R. Doc. 55-1708; Filed, Feb. 25, 1955; 8:51 a. m.]

[4th Sec. Application 30294]

BRICK AND RELATED ARTICLES FROM SOUTHERN TERRITORY, ILLINOIS, INDI-ANA AND OHIO TO FLORIDA

APPLICATION FOR RELIEF

FEBRUARY 23, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Brick and related articles, carloads.

From. Producing points in southern territory Illinois, Indiana and Ohio.

To: Florida.

Grounds for relief: Rail competition, circuity to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C.

1278, supp. 72.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD, Secretary.

[F R. Doc. 55-1709; Filed, Feb. 25, 1955; 8:51 a. m.]

[4th Sec. Application 30295]

FERTILIZERS AND SOLUTIONS FROM TRENTON, MICH., TO THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 23, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. R. Hinsch, Agent, for carriers parties to schedule listed below.

Commodities involved. Fertilizer and fertilizer materials, carloads, and phosphatic fertilizer solution, in tank-car loads.

From. Trenton, Mich.

To: Points in southern territory.

Grounds for relief Rail competition, circuity, market competition, and to

apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. W Boin, Agent, I. C. C. No. A-984, supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission,

[SEAL]

GEORGE W LAIRD, Secretary.

[F R. Doc. 55-1710; Filed, Feb. 25, 1955; 8:51 a. m.]

[4th Sec. Application 30296]

GRAIN FROM POINTS IN MISSOURI TO OKLAHOMA AND GULF PORTS

APPLICATION FOR RELIEF

FEBRUARY 23, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Belton, Harrelson, and Peculiar, Mo. To Points in Oklahoma, also to gulf

ports, for export.

Grounds for relief: Rail competition, circuity and to maintain grouping.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. 3942, supp. 38; St. Louis-San Francisco Railway Company, I. C. C. No. A-567, supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If

because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD, Secretary.

[F R. Doc. 55-1711; Filed, Feb. 25, 1955; 8:51 a. m.]

[4th Sec. Application 30297]

PROJECTILE PARTS FROM DUNKIRK, N. Y., to St. Louis, Mo.

APPLICATION FOR RELIEF

FEBRUARY 23, 1955.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-shorthaul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. R. Hinsch, Agent, for carriers parties to tariffs listed in Appendix A to the application, pursuant to fourth-section order No. 17220.

Commodities involved: Projectile parts, iron or steel, empty carloads.

From: Dunkirk, N. Y.

To: St. Louis, Mo.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing,

upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL]

GEORGE W LAIRD, Secretary.

[F R. Doc. 55-1712; Filed, Feb. 25, 1955; 8:51 a. m.]

INTERDEPARTMENTAL COMMIT-TEE ON TRADE AGREEMENTS

SUPPLEMENTARY NOTICE OF TRADE-AGREE-MENT NEGOTIATIONS UNDER THE GENERAL AGREEMENT ON TARIFFS AND TRADE IN-VOLVING JAPAN PROPOSED IN THE NOTICE OF NOVEMBER 13, 1954, AND PUBLISHED NOVEMBER 16, 1954, POSSIBLE ADJUST-MENT IN PREFERENTIAL RATES ON CUBAN PRODUCTS

Correction

In Federal Register Document 55–1643, published at page 1119 of the issue for Tuesday February 22, 1955, item numbered "1049" in the list should be numbered "1409"